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## CONGRESSIONAL RECORD — HOUSE

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pena or order of the Secretary or such officer or employee issued under paragraph (1) or paragraph (3) of this subsection, issue an order requiring compliance therewith; and any failure to obey such order of the court may be punished by such court as a contempt thereof.

"(5) Witnesses summoned pursuant to this subsection shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"(6) (A) The Secretary is authorized to request from any department, agency or instrumentality of the Government such statistics, data, program reports, and other materials as he deems necessary to carry out his functions under this title; and each such department, agency, or instrumentality is authorized and directed to cooperate with the Secretary and to furnish such statistics, data, program reports, and other materials to the Department of Transportation upon request made by the Secretary. Nothing in this subparagraph shall be deemed to affect any provision of law limiting the authority of an agency, department, or instrumentality of the Government to provide information to another agency, department, or instrumentality of the Government.

"(B) The head of any Federal department, agency, or instrumentality is authorized to detail, on a reimbursable basis, any personnel of such department, agency, or instrumentality to assist in carrying out the duties of the Secretary under this title."

"(b) Section 112(e) of such Act is amended by striking out "All" and inserting in lieu thereof "Except as otherwise provided in section 158(a) and section 113(b), all"; and striking out "subsection (b) or (c)" and inserting in lieu thereof "this title".

#### SEC. 105. COST INFORMATION.

The National Traffic and Motor Vehicle Safety Act of 1966 (as amended by section 102) is further amended by inserting after section 113 the following:

"Sec. 113. (a) Whenever any manufacturer opposes an action of the Secretary under section 103, or under any other provision of this Act, on the ground of increased cost, the manufacturer shall submit such cost information (in such detail as the Secretary may by rule or order prescribe) as may be necessary in order to properly evaluate the manufacturer's statement. The Secretary shall thereafter promptly prepare an evaluation of such cost information.

"(b) Such cost information together with the Secretary's evaluation thereof, shall be available to the public unless the manufacturer establishes that it contains a trade secret. Notice of the availability of such information shall be published in the Federal Register. If the Secretary determines that any portion of such information contains a trade secret, such portion may be disclosed to the public only in such manner as to preserve the confidentiality of such trade secret, except that any such information may be disclosed to other officers or employees concerned with carrying out this title or when relevant in any proceeding under this title. Nothing in this subsection shall authorize the withholding of information by the Secretary or any officer or employee under his control, from the duly authorized committees of the Congress.

"(c) For purposes of this section 'cost information' means information with respect to alleged cost increases resulting from action by the Secretary, in such form as to permit the public and the Secretary to make an informed judgment on the validity of the manufacturer's statements. Such term includes both the manufacturer's cost and the cost to retail purchasers.

"(d) The Secretary is authorized to establish rules and regulations prescribing forms and procedures for the submission of cost information under this section.

"(e) Nothing in this section shall be construed to restrict the authority of the Secretary to obtain or require submission of information under any other provision of this Act."

#### SEC. 106. AGENCY RESPONSIBILITY.

The National Traffic and Motor Vehicle Safety Act of 1966 (as amended by section 103 of this Act) is amended by adding at the end thereof the following new section:

"Sec. 124. (a) Any interested person may file with the Secretary a petition requesting him (1) to commence a proceeding respecting the issuance of an order pursuant to section 103 or to commence a proceeding to determine whether to issue an order pursuant to section 152(b) of this Act.

"(b) Such petition shall set forth (1) facts which it is claimed establish that an order is necessary, and (2) a brief description of the substance of the order which it is claimed should be issued by the Secretary.

"(c) The Secretary may hold a public hearing or may conduct such investigation or proceeding as he deems appropriate in order to determine whether or not such petition should be granted.

"(d) Within one hundred and twenty days after filing of a petition described in subsection (b), the Secretary shall either grant or deny the petition. If the Secretary grants such petition, he shall promptly commence the proceeding requested in the petition. If the Secretary denies such petition he shall publish in the Federal Register his reasons for such denial.

"(e) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law."

#### SEC. 107. NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL.

Section 104 of the National Traffic and Motor Vehicle Safety Act of 1966 (16 U.S.C. 1393) is amended by inserting "(1)" after "Sec. 104. (a)", and by adding the following new paragraph at the end of subsection (a):

"(2) For the purposes of this section, the term 'representative of the general public' means an individual who (A) is not in the employ of, or holding any official relation to any person who is (i) a manufacturer, dealer, or distributor, or (ii) a supplier of any manufacturer, dealer, or distributor, (B) does not own stock or bonds of substantial value in any person described in subparagraph (A) (i) or (ii), and (C) is not in any other manner directly or indirectly pecuniarily interested in such a person. The Secretary shall publish the names of the members of the Council annually and shall designate which members represent the general public. The Chairman of the Council shall be chosen by the Council from among the members representing the general public."

#### SEC. 108. FUEL SYSTEM INTEGRITY STANDARD.

(a) REQUIREMENT FOR STANDARD.—Within ninety days after the effective date of this title, the Secretary of Transportation shall promulgate a motor vehicle safety standard for fuel system integrity applicable to four-wheeled motor vehicles designed to carry ten or fewer passengers in addition to the driver (including all vehicles designated on the date of enactment of this Act as passenger cars or multipurpose passenger vehicles in regulations of the Secretary of Transportation under the National Traffic and Motor Vehicle Safety Act of 1966), in order to protect occupants of such vehicles, and other persons, from fuel-fed fires. Such standard shall be effective with respect to all passenger motor vehicles produced on or after September 1, 1976. With respect to all other four-wheeled motor vehicles designed to carry ten or fewer passengers in addition to the driver, such standard shall be effective on or after September 1, 1977. In prescribing the standard required by this subsection, the

Secretary shall give consideration to the need to reduce the spread of fire and to limit the escape of fuel. Such standard shall provide as a minimum that fuel spillage shall not exceed one ounce per minute as a result of (1) front fixed barrier impacts at speeds up to 30 mph; (2) rear moving barrier impacts at speeds up to 30 mph; (3) front corner fixed barrier impacts at speeds up to 30 mph; (4) lateral moving barrier impacts at speeds up to 20 mph; and (5) static rollovers.

(b) AMENDMENT OR REPEAL OF STANDARD.—The Secretary may amend or repeal a standard required to be prescribed under subsection (a) if he determines such amendment or repeal will not diminish the level of motor vehicle safety.

#### SEC. 109. TECHNICAL AND CONFORMING AMENDMENTS.

(a) DEFINITION OF SECRETARY.—Section 102 (10) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended to read as follows:

"(10) 'Secretary' means the Secretary of Transportation."

(b) DATE OF ANNUAL REPORT.—The first sentence of section 120(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by striking out "March 1" and inserting in lieu thereof "July 1".

#### SEC. 110. OCCUPANT RESTRAINT SYSTEMS.

Section 103(a) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by inserting "(1)" after "Sec. 103. (a)" and by adding at the end thereof the following new paragraph:

"(2) (A) Effective with respect to motor vehicles manufactured after the date of enactment of this paragraph, Federal motor vehicle safety standards may not (except as otherwise provided in subparagraph (B)) require that any such vehicle be equipped (i) with a safety belt interlock system, (ii) with any warning device other than a warning light designed to indicate that safety belts are not fastened, or (iii) with any occupant restraint system other than integrated lap and shoulder safety belts for front outboard occupants and lap belts for other occupants.

"(B) Effective with respect to passenger cars manufactured on or after August 15, 1976, Federal motor vehicle safety standards shall require that each motor vehicle manufacturer offer purchasers the option of purchasing either (i) passenger motor vehicles which are equipped with passive restraint systems which meet standards prescribed under this section or (ii) passenger motor vehicles equipped with integrated lap and shoulder belts for front outboard occupants and lap belts for other occupants."

(b) Section 108(a) (1) (A) of such Act (as so redesignated by section 103 of this Act) is amended by inserting "(1)" after "(A)", and by adding at the end thereof the following:

"(1) fall to offer purchasers the option required by section 103(a) (2) (B)."

#### SEC. 111. REDUCTION OF MOTOR VEHICLE WEIGHT AND COST.

In carrying out responsibilities under the National Traffic and Motor Vehicle Safety Act of 1966 and the Motor Vehicle Information and Cost Savings Act, the Secretary of Transportation shall take all steps, consistent with his responsibilities under those Acts to encourage reduction of weight and cost of motor vehicles.

#### SEC. 112.

Section 204(a) of Public Law 89-563 is amended to read as follows:

"(a) No person shall sell, offer for sale, or introduction for sale, or delivery for introduction in interstate commerce, any tire or motor vehicle equipped with any tire which has been regrooved, except that the Secretary may by order permit the sale, offer for sale, introduction for sale, or delivery for introduction

in interstate commerce, of regrooved tires and motor vehicles equipped with regrooved tires which he finds are designed and constructed in a manner consistent with the purpose of this Act."

#### SEC. 113. EFFECTIVE DATE.

The amendments made by this title (other than section 110) shall take effect on the sixtieth day after the date of enactment of this Act.

### TITLE II—SCHOOLBUS SAFETY

#### SEC. 201. DEFINITIONS.

Section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following:

"(14) 'schoolbus' means a passenger motor vehicle which is designed to carry more than ten passengers in addition to the driver, and which the Secretary determines is likely to be significantly used for the purpose of transporting primary, preprimary, or secondary school students to or from such schools or events related to such schools; and

"(15) 'schoolbus equipment' means equipment designed primarily as a system, part, or component of a schoolbus, or any similar part or component manufactured or sold for replacement or improvement of such system, part, or component or as an accessory or addition to a schoolbus."

#### SEC. 202. MANDATORY SCHOOLBUS STANDARDS.

Section 103 of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following:

"(i) (1) (A) Not later than six months after the date of enactment of this subsection, the Secretary shall publish proposed Federal motor vehicle safety standards to be applicable to schoolbuses and schoolbus equipment. Such proposed standards shall include minimum standards for the following aspects of performance:

"(i) Emergency exits.  
 "(ii) Interior protection for occupants.  
 "(iii) Floor strength.  
 "(iv) Seating systems.  
 "(v) Crash worthiness of body and frame (including protection against rollover hazards).

"(vi) Vehicle operating systems.

"(vii) Windows and windshields.

"(viii) Fuel systems.

"(B) Not later than fifteen months after the date of enactment of this subsection, the Secretary shall promulgate Federal motor vehicle safety standards which shall provide minimum standards for those aspects of performance set out in clauses (i) through (viii) of subparagraph (A) of this paragraph, and which shall apply to each schoolbus and item of schoolbus equipment which is manufactured in or imported into the United States on or after the expiration of the nine-month period which begins on the date of promulgation of such safety standards.

"(2) The Secretary may prescribe regulations requiring that any schoolbus be test-driven by the manufacturer before introduction into commerce."

#### SEC. 203. ENFORCEMENT.

Section 108 (a) (1) of the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following:

"(F) to fail to comply with regulations of the Secretary under section 103 (1) (2)."

### TITLE III—MOTOR VEHICLE DEMONSTRATION PROJECTS

Section 301. (a) Title III of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1961 et seq.) is amended—

(1) by redesignating sections 302 through 304 (and references thereto) as sections 303 through 305, respectively; and

(2) by inserting after section 301 the following new section:

#### "SPECIAL DEMONSTRATION PROJECTS"

"SEC. 302. The Secretary shall establish a special motor vehicle diagnostic inspection demonstration project to assist in the rapid development and evaluation of advanced inspection, analysis, and diagnostic equipment suitable for use by the States in standardized high volume inspection facilities and to evaluate the repair characteristics of motor vehicles. Such project shall be designed to facilitate evaluation of repair characteristics by small automotive repair garages."

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended to read as follows: A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize appropriations for the fiscal years 1975, 1976, and 1977; to provide for the remedy of certain defective motor vehicles without charge to the owners thereof; to require that schoolbus safety standards be prescribed; to amend the Motor Vehicle Information and Cost Savings Act to provide for a special demonstration project; and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 5529) was laid on the table.

### WAR CLAIMS ACT AMENDMENTS

Mr. STAGGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia.

The SPEAKER. The question is on the motion offered by the gentleman from West Virginia.

The motion was agreed to.

#### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the Senate bill S. 1728, with Mr. McKay in the Chair.

The Clerk read the title of the Senate bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from West Virginia (Mr. STAGGERS) will be recognized for 30 minutes, and the gentleman from North Carolina (Mr. BROYHILL) will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia (Mr. STAGGERS).

Mr. STAGGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of S. 1728, a bill to amend the War Claims Act of 1948.

This bill amends two sections of the War Claims Act of 1948 to accomplish different purposes. Section 5 is amended to increase the authorized detention benefit for American civilians during the Vietnam conflict from \$60 to \$120 per month. The purpose is to raise the detention benefits authorized for civilians who are or were being held as prisoners

to the same level presently authorized for military personnel. Since American civilian prisoners suffered the same deprivations and hardships as military prisoners, it is a matter of equity to give them the same detention benefit.

No appropriations are involved, since funds have already been appropriated for payment of the internee benefits.

Section 213 of the War Claims Act is amended to give a first priority to the payment in full of the remaining individual awards for property losses arising out of World War II. Then the bill gives a second priority to payment of the remaining corporate awards for similar losses up to the level of \$50,000.

Existing law provides for payment of the major part of both individual and corporate awards on a proportional basis. The unpaid corporate awards total \$94.7 million; the unpaid individual awards total \$6.5 million. Therefore, pro rata payments would distribute most of the remaining funds to the largest corporate claimants.

Payments for property losses are made from the War Claims Fund, a trust account on the books of the U.S. Treasury. Therefore, no appropriations are required for this amendment to the War Claims Act. The War Claims Fund consists of the net proceeds of German and Japanese assets seized in the United States during World War II.

The sums remaining in the fund will not be sufficient to pay all remaining claims in full. For this reason, priorities of payment become important. Equitable considerations concerning the nature of the individual losses led to the decision to give priority to their payment, followed by payment of the smaller remaining corporate awards.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. STAGGERS. I yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, does not the gentleman from West Virginia think that as a matter of principle it is unfair to pay civilians as military personnel are paid under the circumstances of Vietnam?

Mr. STAGGERS. That is debatable. If the gentleman from Iowa will let me explain, they were there doing jobs, at least, most of them, for the Government, serving their country only in a different capacity. Especially in view of the fact that there are so few civilian internees, only 66, I would say to the gentleman from Iowa that they should receive the same benefit as military personnel.

Mr. GROSS. Is it not true that the civilians were there voluntarily?

Mr. STAGGERS. Some were and some were not. Some were, as I understand.

Mr. GROSS. What is that?

Mr. STAGGERS. Some were working for the Government, and were there under orders.

Mr. GROSS. I do not think that any of them were drafted as civilians and sent to Vietnam.

I do not want to make an issue of this particularly, but I wonder if we are not here setting a precedent which may live to haunt us later. I think there is a great

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distinction from one who is voluntarily in Vietnam, and someone who may have been involuntarily there.

Mr. STAGGERS. I would say to the gentleman from Iowa that some of these were serving the Government, along with the military personnel, and they were captured. They were doing their jobs just the same as the military personnel were.

Mr. GROSS. That may well be. They are both serving the Government, but on an entirely different basis.

Mr. STAGGERS. That is true. And both of them were interned in the same camps and had to undergo the same kind of treatment.

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, if I may have the attention of the Members I will try to explain what this bill is about.

Back in 1948 the Congress enacted the War Claims Act. What this act did was to permit American citizens and American corporations, to receive awards to compensate them for losses that they had suffered as a result of World War II. The War Claims Fund comes from the assets of the enemy nations, the Germans and the Japanese, that were seized during World War II by the U.S. Government.

Under the law that was passed at that time, Mr. Chairman, each individual or each corporation who had a claim could come in to the Foreign Claims Settlement Commission and make their claim and prove it. There is no dispute in this bill over any of these claims or the validity of these claims because the Foreign Claims Settlement Commission has long ago settled these issues and adjudicated each one of them.

Over the years the law has been changed to provide payment to certain categories of claimants.

For example, all of those who have suffered death or personal injury were paid in full. All small business claims were paid. One hundred percent of the claims of those with claims under \$10,000 were paid. The claims of charitable organizations were paid in full.

As the chairman has pointed out, there is some \$101 million in claims still outstanding but only about \$20 million available to pay these claims. Over \$200 million has been paid out to claimants already and \$101,000,000 in claims remain with about \$20 million in property or assets to satisfy these claims. So the claimants are fighting over the remaining assets of the War Claims Fund.

What this bill would do would be to give the first priority and payment in full to all of the individual claims. But it goes further than that and it says that all of the claims up to \$50,000 would be given to the corporate claimants. In other words, we are going to be establishing a principle here in this bill that the claims of companies are inferior to the claims of individuals. But we are going even farther than that.

We are saying that the smaller claims of companies, those that have a claim of \$50,000 or less have a greater claim than the claims of the larger claimants.

I think it is a bad precedent to set and I would urge that the Members vote to send this bill back to the committee for further study and further amendment.

Mr. YOUNG of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Illinois.

Mr. YOUNG of Illinois. Mr. Chairman, if the bill does as the gentleman says, would this not be contrary to the bankruptcy law of this country? As I understand the bankruptcy law of this country, it does not make any difference between individual claimants and corporate claimants. So long as the claims are on a par, they would all receive equally in distributions.

Mr. BROYHILL of North Carolina. It is true that all the claims have been approved by the Foreign Claims Settlement Commission. There is no question as to the validity of the claims. It seems to me only right in principle that all the claimants have an equal right to the assets that remain in the fund.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I associate myself with the remarks of the gentleman.

I would like to ask the gentleman further, is it not true that because of the amendment added to this bill in section 2, 791 of the claims would be paid out to the individuals before consideration is given to the claims of companies and other individuals? I think it is grossly unjust.

Mr. BROYHILL of North Carolina. That is correct. These large individual claims would be paid before any corporate claims would be paid.

Mr. McCOLLISTER. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Nebraska.

Mr. McCOLLISTER. Mr. Chairman, I would like to dissociate myself from the remark of the gentleman particularly as it applies to the priorities in allocation of the \$20 million available to satisfy \$101 million in claims.

I think the principle of giving individuals preference over corporations is proper because it seems to me in many cases it is going to be impossible to discover who the individual stockholders of the corporations were at the time the loss was suffered. Does the gentleman not agree that the loss suffered by the corporation is a loss suffered by the individual stockholders of that corporation?

Mr. BROYHILL of North Carolina. If the corporation has received any tax benefit, that has been taken into consideration by the Foreign Claims Settlement Commission in making the final award of the claim.

Mr. McCOLLISTER. No. What I am referring to is the stockholders of the corporation at the time the loss was sustained are probably very different from the stockholders of that corporation today, and therefore in trying to give to that corporation a prorata satisfaction for its loss, that loss accrues to the bene-

fit of the stockholders today and does not do any good at all to the stockholders at the time the loss was sustained.

Mr. BROYHILL of North Carolina. I do not understand the gentleman's reasoning. Let us assume there was a fire insurance proceeding and it had been adjudicated in the court. Is the gentleman saying that the court would then have the right not to pay out the fire insurance proceeds just because the stockholders are different a few years later?

Mr. McCOLLISTER. I am saying the stockholders of record at the time the loss was sustained are quite different than the stockholders now, and those stockholders whose value of their stock was reduced, and there is no way we can make them whole for the loss sustained. It therefore has a tendency to become a windfall benefit for the corporation, whereas individuals who suffered the loss are still known and the losses are more directly payable to them.

Mr. YOUNG of Illinois. Mr. Chairman, if the gentleman will yield, I would like to point out to the gentleman from Nebraska that when one buys a share of stock he has a bundle of rights and the stock shares have claims against the assets of the corporation for whatever value the claims may have, and that is part of the rights one pays for, so the stockholders who now own the stock would have bought whatever rights that exist in the corporation through their stock ownership. Accordingly this is not a proper distinction to use in determining priorities in the distribution of assets in a fund to claimants against the funds.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. BROYHILL of North Carolina. I yield to the gentleman from Idaho.

Mr. SYMMS. I would like to say further to the gentleman from Nebraska that one of the purposes of corporate entities is so that we can have perpetuation of business enterprises. This would set a dangerous precedent which would downplay the individuality of the corporate interests for a corporate entity which is viewed under the law as an individual and the purpose of it is to have a continuous business enterprise. So I think it matters not who the corporate stockholders are, but the corporate entity stands intact. This is a dangerous precedent that should not be established.

Mr. BROYHILL of North Carolina. Mr. Chairman, I have several requests for time, so I reserve the balance of my time.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. ECKHARDT).

[Mr. ECKHARDT addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. BROYHILL of North Carolina. Mr. Chairman, I yield 8 minutes to the gentleman from Tennessee (Mr. KUYKENDALL).

(Mr. KUYKENDALL asked and was given permission to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Chairman, we are faced with a problem here much larger, in my opinion, than actually the distributing of a huge amount of money,



when it is compared to some of the bills we have around here, or some of the things we do.

For that reason, I think it is incumbent upon all of us to look at the precedent we may be setting here.

Since 1948 we have been conducting the war claims settlements of this Nation under the same act. Not too long after that date, the validity of all the claims involved was arrived at, and I regret very much, Mr. Chairman, that at this late date we decide to start trying to make this rather small piece of legislation an instrument of either social justice or tax reform. I do not consider it either one.

We have in this bill, the way it is now written, decided that a corporation for some reason, even though it may be a relatively modest corporation, shall be, as we may say, outranked in its priority by an individual, even though some of the largest international operators in the world today are individuals. John Paul Getty, Bunker Hunt, those people in many instances operate as individuals, not as corporations. Believe me, I have been involved in a couple of corporations that did not have any money.

Therefore, the idea that we have put an interpretation upon the law in this bill that says an individual, just because he is an individual, regardless of the size of his claim, must be placed ahead of a corporation, no matter how small the corporation, is, as far as I am concerned, bad law.

Mr. Chairman, that is the reason that I am opposing this bill, unless the amendment that I am going to introduce under the 5-minute rule is accepted. The matter of who wrote off what how long is not the important thing.

Mention is being made of the fact that if an individual in business has taken this loss on his income tax years ago, just as Boise Cascade may have, and I am sure they did, are we going to disallow the individual deduction which could very well have been in the 68 and 75 percent tax bracket and then differ as to the corporate deduction which was in the 48 percent tax bracket? What kind of sense does that make?

Mr. Chairman, my last point is this: I will introduce an amendment which will place this bill back in the Senate bill, back pretty close to the act that we have been operating under since 1948, which will do what the chairman referred to in raising the civilian and military class to the same level. Individual claimants will get preference up to \$35,000 and thereafter all will get the same treatment under the law, as we now have it.

Mr. ECKHARDT. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Texas.

Mr. ECKHARDT. Does the gentleman understand that from the information the committee got, we found no individual case where any individual took any tax writeoff because they had nothing to take it against, such as the corporations themselves have?

Mr. KUYKENDALL. Is the gentleman saying that no individuals making claims own a business?

Mr. ECKHARDT. The information we got is that no claims of loss against taxes had been taken by individuals with respect to these losses. That is what our committee understands.

Mr. KUYKENDALL. The thing I do not understand at all is why we should choose this bill to change a traditional law in this land, which says that an individual, regardless of the size he is, and a corporation, regardless of the size it is, are treated as individuals under the law. This is what troubles me.

Let me tell the Members about something else that is in this bill.

Most law considers an individual proprietorship or a partnership as an individual. This bill has classified partnerships the same as corporations, which also flies into the face of the law of the land which we have followed traditionally concerning the status of an individual.

Mr. MCCOLLISTER. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Nebraska.

Mr. MCCOLLISTER. Mr. Chairman, in response to the question of why we did this, it is very simple: Because we saw there were insufficient assets to pay the claims, and in view of the facts which pertained to this case, we simply felt equity would be better served by setting the priorities which we have set, first, by paying the individual claims, and second, by paying the corporate claims up to \$50,000. This in effect gave priority to the smaller corporations which could not afford to sustain the loss as well as the bigger corporations.

Mr. KUYKENDALL. Mr. Chairman, I will ask the gentleman this question:

Is it not true that the small individual claims and the small corporate claims have already been settled?

Mr. MCCOLLISTER. The small individual claims have been settled, but the small corporate claims have not been settled.

Mr. KUYKENDALL. Mr. Chairman, is it true the corporate claims are the larger claims, and that only the individual claims have been settled?

Mr. BROYHILL of North Carolina. Mr. Chairman, if the gentleman will yield, the small business claims have been settled.

Mr. KUYKENDALL. The small corporate claims and the small business claims have both been settled?

Mr. BROYHILL of North Carolina. Under \$10,000.

Mr. KUYKENDALL. So what we have left here are the large claims, the large corporate and individual claims, so I think that makes the ground for this proposal even more shaky, instead of less so.

Mr. STAGGERS. Mr. Chairman, I yield 5 minutes to the chairman of the subcommittee, the gentleman from California (Mr. Moss).

[Mr. MOSS addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. SMITH of New York. Mr. Chairman, I strongly support the passage of

S. 1728 as reported by the Committee on Interstate and Foreign Commerce.

One provision of S. 1728 deals with war claims awards arising out of losses suffered by U.S. citizens during World War II. This provision would give individual awardholders under the War Claims Act priority over corporate awardholders in further payments in compensation for their World War II losses. This language was passed by the House in 1969, but was later dropped in conference. Because this provision is fully justified and because its enactment is of great importance to a large number of American citizens who lost all or very nearly all they had as a result of the war, I introduced a bill, H.R. 4896, to assure that they would be wholly compensated for losses that have now gone uncompensated for over 30 years. I am pleased that the Interstate and Foreign Commerce Committee has included the text of my bill as section 2 of S. 1728.

The purpose of the War Claims Act of 1948 was to compensate U.S. citizens for the losses they suffered in World War II. Every citizen claiming an award was required to prove his claim before the Foreign Claims Settlement Commission. All the awardholders who would benefit from this bill have already proved their claims and been granted an award. Most awardholders have already been paid in full under previous priority categories created by the Congress. There remain unpaid portions of awards to 186 individuals totaling \$6.5 million and 161 corporations totaling \$94.7 million. The amount remaining in the War Claims Fund, however, is far too small to pay all these awards in full. Under present law, the vast majority of the money in the fund would go to corporate awardholders, and many individuals would receive only a few cents on the dollar for their awards.

The enactment of S. 1728 is thus necessary to assure that these individuals who have for so long lacked full compensation will finally receive their just awards. There are many reasons why the individual awardholders are entitled to this priority:

First. Most corporate awardholders took very substantial tax deductions as a result of their war losses. The corporate awardholders with balances in excess of \$500,000 took a collective total of more than \$35 million in tax deductions and have for more than 30 years had the use of the money they saved. No individual awardholder took a tax deduction. Thus, these tax benefits, combined with previous payments from the war claims fund, have allowed the corporate awardholders to recover a substantially greater percentage of their actual loss than have the individuals.

Second. The losses of the individuals were of far greater personal and economic significance to them than the corporate losses were to the corporate awardholders. The individuals lost their homes, their small family businesses, and their personal belongings, while the losses to the corporations involved only a small fraction of the total corporate assets of the awardholders.

Third. A high percentage of the individual awardholders are elderly persons beyond their productive years who live on small fixed incomes. Many of them spent most of their working years outside the United States and hence receive little or no social security benefits. These people are relying on the payment of their war claims awards to provide them a final financial stake to support them in their declining years. By contrast, at least 96 percent of the unpaid corporate awards are held by companies whose stock or whose parent company's stock is traded on the New York or American Stock Exchanges. All small businesses have already been paid in full under a previous priority. Many of the remaining corporate awardholders are among the biggest corporations in the country, such as General Motors, Exxon, Mobil, and I.T. & T. Recovery of their awards would have little effect on their financial security.

Fourth. In many cases, the present stockholders of the corporate awardholders have little or no relation to those who actually suffered the loss. In many cases, the corporation holding the award is not even the same company that suffered the loss. For example, in one case, involving one of the largest corporate awards, the company that suffered the loss was a subsidiary of an American corporation which long ago wrote the subsidiary's assets down to zero. In 1969, the present awardholder acquired the stock of the parent corporation, paying absolutely nothing for the stock of the subsidiary that had suffered the loss. The present awardholder—which not only did not suffer the loss but paid nothing for the stock of the company that did—thus would receive a windfall by reason of any further payments. There are numerous instances among the corporate awards in which the company that actually suffered the loss has long since been acquired by the present awardholder. Even in cases in which the present corporate awardholder was the company that suffered the loss, the present stockholders are a very different group from those that held the stock at the time of the loss more than 30 years ago. By contrast, the individual awards are all held by the persons who suffered the loss or by members of the family that suffered the loss.

Another section of this bill would provide benefits for American civilians who were held as prisoners by North Vietnam during the Vietnam war at the same level as those for military personnel who were prisoners of war. These civilians were employees of agencies of the U.S. Government or U.S. Government contractors and suffered as long and as grievously as their military counterparts. However, because of an inequity in the present War Claims Act, their benefits are less than half of those received by military personnel. S. 1728 would correct this inequity and allow them to be compensated at the same rate as military personnel.

Finally, I would like to stress that no provision of this bill requires any appropriation by the Congress or increases Government spending in any way. The

funds from which payment of World War II awards is to be made consist of the proceeds of the sale of assets of enemy nationals seized by the U.S. Government during World War II under the Trading With the Enemy Act. The funds to pay Vietnam civilian internees are derived from an appropriation made in fiscal year 1973. Thus, enactment of S. 1728 would have no impact on Federal spending.

These are only some of the reasons why enactment of S. 1728 would be just and proper. I urge the House to act favorably on this bill.

Mr. STAGGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska (Mr. McCOLLISTER).

(Mr. McCOLLISTER asked and was given permission to revise and extend his remarks.)

Mr. McCOLLISTER. Mr. Chairman, I would like to voice my support for the enactment of S. 1728. I am a member of the Subcommittee on Commerce and Finance that considered and unanimously reported this bill, and have given close attention to the issues the bill addresses. S. 1728 was overwhelmingly approved after 2 days of markup by the Committee on Interstate and Foreign Commerce.

In addition to the arguments cited by other Members in support of S. 1728, I believe there are further reasons for its enactment:

First. As has been mentioned previously, the corporate awardholders took large tax deductions from their U.S. income taxes as a result of their war losses while individuals took no such deductions. It is also true that many corporate awardholders received substantial tax and other benefits from foreign governments after the war as incentives for reestablishing their operations in those countries. These benefits, which further compensated the corporations for their losses, were in no way taken into account in the calculation of their war claims awards. Such benefits were unavailable to the individual awardholders.

Second. Many of the corporate awardholders are insurance companies that insured risks overseas at premium rates to reflect the risks of war. These companies were then subrogated to the rights of the insured. The substantial premiums received by these insurance companies were not taken account of in the calculation of war claims awards. No individual awardholder is in a comparable position.

Third. Full payment of the individual awards will not substantially affect the amounts that will be available to pay corporate awards. The corporate awards total about \$94.7 million. There will be only about \$20 million at most available for payment of all awards—both corporate and individual. Thus, even under existing law, the corporations will receive at most about 20 cents on the dollar. Since the total amount payable to individuals is only \$6.5 million, giving a priority to individuals will reduce the corporate recovery by only a few cents on the dollar.

Fourth. The corporate awards represent a greater percentage of the actual

losses of the corporate awardholders than the individual awards represent of the actual losses of the individuals. In the granting of awards, the Foreign Claims Settlement Commission required documentary proof of the loss for which an award was sought. Many individuals who suffered property losses also lost their documentary proof of ownership in the war. Large U.S. corporations that maintained extensive records in this country did not have similar problems and hence were able to document a much higher percentage of their actual loss than were individuals.

Fifth. All the individual awardholders are U.S. citizens. The War Claims Act required that an individual be a U.S. citizen at the time of his loss in order to be eligible for an award. By contrast, a corporation need only have been incorporated in the United States and 50 percent of its assets owned by U.S. nationals in order to qualify. A significant portion of the stock of many corporate awardholders is held by foreign nationals. Since the basic purpose of the War Claims Act was to compensate U.S. citizens for their losses, this purpose is more consistently served by allowing individual awardholders, all of whom are U.S. citizens, a priority.

These reasons all support the enactment of a priority for individuals in the payment of World War II war claims awards.

In addition to this priority, the Committee on Interstate and Foreign Commerce added an additional priority category through an amendment that I sponsored. Under this amendment, after payment to the individuals, all corporate awards would be paid in equal amounts up to \$50,000 and after that amount on a pro rata basis. This amendment does not discriminate against any corporate awardholders since all corporations would receive \$50,000 per award even if their awards are larger than that amount. Creation of this priority would benefit the smaller corporate awardholders who, in general, are substantially smaller companies than those with the larger awards. This priority would enable 66 of the 161 corporate awardholders to be paid in full and the further assets in the War Claims Fund would then be divided pro rata among the remaining 95 corporate awardholders. While creation of this priority would reduce somewhat the amounts that would be paid to the very largest corporate awardholders, its effect would not be great since even under existing law these awardholders would receive only a fraction of their outstanding balances. Virtually all the corporate awardholders whose recovery would be reduced are among the Nation's largest corporations, such as Exxon, Mobil, and I.T. & T., and the amount by which their recovery would be reduced would be negligible in terms of their total assets.

I would also like to express my support for the provision of S. 1728 that gives civilian U.S. citizens who were held prisoner in North Vietnam during the Vietnam war benefits on a par with those available to military personnel who were held prisoner. These civilians also served

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their country and suffered as acutely as the military men in enemy prison camps. We owe them at least this much consideration.

Finally, I would like to point out that this bill involves neither an additional appropriation of funds or an increase in Federal spending. The moneys which will be disbursed to World War II awardholders are derived from the sale of the assets of enemy nationals seized by the U.S. Government during World War II and were not raised from tax dollars. The funds to pay the Vietnam civilian internees are derived from an appropriation for fiscal year 1973. Thus, S. 1728 is in no way an inflationary bill.

For these reasons, I urge the passage of S. 1728 as reported by the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Chairman, I have no further requests for time.

Mr. BROYHILL. Of North Carolina. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(i) (3) of the War Claims Act of 1948 (50 App. U.S.C. 2004(i) (3)) is amended by striking out "\$60" and inserting in lieu thereof "\$150".*

Sec. 2. (a) Section 213(a) (3) of the War Claims Act of 1948 (50 App. U.S.C. 20171(a) (3)) is amended to read as follows:

"(3) Thereafter, payments from time to time on account of the other awards made to individuals pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed \$500,000."

(b) Section 213(a) of such Act is amended by redesignating paragraph (4) as paragraph (5) and inserting after paragraph (3) the following new paragraph:

"(4) Thereafter, payments from time to time on account of the other awards made to corporations pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed \$50,000."

Mr. STAGGERS (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. KUYKENDALL

Mr. KUYKENDALL. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. KUYKENDALL: Strike out all after the enacting clause and insert in lieu thereof the following:

That section 5(i) (3) of the War Claims Act of 1948 (50 App. U.S.C. 2004(i) (3)) is amended to substitute "\$150" for "\$60".

(Mr. KUYKENDALL asked and was given permission to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Chairman, I shall not take the full 5 minutes, since I feel that this amendment was debated to a great extent during the debate.

The amendment technically does this: It mentions the part of the bill mentioned by the Chairman earlier that it puts the civilian and the military claimant under the War Claims Act in the same category. To make it clear as to what the meaning of those of us who are supporting this particular amendment feel that the subcommittee in its desire to create an across-the-board justice did—and my great regard for the members of the subcommittee in attempting this is not lessened by the fact that I feel that in so doing they have made a serious strike at a basic constitutional fact, and that is under our laws because of the vast differences in the sizes of individual proprietorship and of partnerships and of corporations and of simple individuals themselves, people who have written our law found it within their ideas of justice necessary to require that all be treated the same.

I am quite sure that the subcommittee attempted to achieve justice, but it is my considered judgment and it is my fear. Mr. Chairman, that in their attempts to achieve justice they have done damage to a constitutional fact that is more serious than the injustices that existed under the present law. So I urge the amendment to be adopted.

Mr. SYMMS. Mr. Chairman, will the gentleman yield?

Mr. KUYKENDALL. I yield to the gentleman from Idaho.

(Mr. SYMMS asked and was given permission to revise and extend his remarks.)

Mr. SYMMS. Mr. Chairman, I thank the gentleman from Tennessee for yielding. I associate myself with his remarks.

Mr. Chairman, I am in support of the amendment.

Mr. Chairman, I have no argument with the original intent of the 1974 War Claims Act Amendment as passed by the Senate. It is very appropriate that our American civilian internees in Southeast Asia receive this increase in assistance, particularly when one considers that it brings them more in line with the compensation awarded our military personnel who suffered the same detention. I commend the House for its humane action in consideration of this provision.

I cannot agree with my colleagues who have been instrumental in adding section 2 to the legislation passed by the Senate. It is discriminatory. It is unjust. It is one of the most damaging precedents proposed in this Congress in a good long time.

Section 2 provides that unpaid balances on World War II claims to individual awardholders shall be satisfied before payments are made on legitimate corporation claims. The State Department, the Foreign Claims Settlement

Commission, and the Office of Management and Budget all testified against this amendment in our House committee hearings. The Senate never even addressed the proposal this year although it did defeat such a move in 1970. In a nutshell, we are on the edge of expressing public policy in the House of Representatives which holds the legitimate claims of a business to be inferior to those of an individual. Were any one of you to have a court decision in which you were personally involved take such a direction, the hue and cry could be heard across the country.

Section 2 further restricts payments to corporations, providing that each company shall receive no more than \$50,000, regardless of the full unsatisfied amount of their claim; in other words, the more a company lost, the less entitled it is to reimbursement.

Even the House has never addressed itself to this concept in public hearings. The amendment was added in the committee without benefit of hearing and without consultation with the agencies involved.

There is injustice aplenty in that language which holds the claims of corporations to be inferior under the law of those of individuals. This additional language compounds that injustice by favoring small corporate losses over large corporate losses. It is a frightening precedent. I urge this body to consider carefully the consequences of such action.

I urge your support this afternoon of the amendment to restore the original Senate language, which limits itself to the very appropriate cause of assisting our American civilian internees in Southeast Asia. I further urge that the Committee on Interstate and Foreign Commerce readress itself to the question of unsettled war claims in a more equitable manner consistent with our American concept of justice.

(Mr. MOSS asked and was given permission to revise and extend his remarks.)

Mr. MOSS. Mr. Chairman, I rise in opposition to the amendment.

I would point out, Mr. Chairman, that all this does is to leave the present fund available at the rate of \$35,000 for each claimant without regard to any of the underlying facts as to who was an insurance company, as mentioned by the gentleman from Texas, that took its losses out of its premiums which it had calculated as sufficient to cover the losses. They will get their \$35,000. If it is an individual who is totally wiped out, he will get his \$35,000. If it is someone who picked up a bit of corporate property that had no value at the time, as Boise Cascade did, they will get their \$35,000.

It is represented that this is an equitable way of dealing with this. I submit it is not. I submit it is superficially an equitable way, but upon examination of the facts in any depth at all we will see it misses an equitable resolution of this by many, many yards.

It is bad legislation, it is not good legislation, it was not wise when we wrote it. This was the opportunity to clear it up and to deal a little more equitably with persons who suffered serious losses

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I would hope that the amendment offered by the gentleman from Tennessee would not be agreed to.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I associate myself with the remarks of the gentleman. I would hope the amendment offered by the gentleman from Tennessee will not be adopted, because the effect of it is to return the war claims distribution to exactly where it is today.

As the gentleman has pointed out, this is unfair to individuals who have personally lost more of their substance than some of the larger companies.

I would like to get back for a moment to the tax point. I understand from the gentleman from Texas that no individuals appeared before the committee who had taken any tax writeoffs, but corporations apparently had taken some \$35 million of tax losses which had not been considered in awarding the war claims to them. Is that correct?

Mr. MOSS. That is correct.

Mr. Chairman, I will yield to the gentleman from Texas if he would like to respond personally. Does the gentleman from Texas (Mr. ECKHARDT) care to respond to the tax question which is propounded as to the fact that no individual we could find during the hearings had taken a tax writeoff while the corporations had taken in excess of \$35 million in tax losses?

Mr. ECKHARDT. That is what appeared in the hearings. Of course, individuals usually did not have anything to take it off against.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield further?

Mr. MOSS. I yield.

Mr. SMITH of New York. One other statement the gentleman just made for which I wanted confirmation is that the tax writeoff, of course, of some \$35 million was not taken into consideration in making the war claims award; is that correct?

Mr. MOSS. Mr. Chairman, I yield to the gentleman from Texas for the purpose of responding to that question.

Mr. ECKHARDT. The corporation had to take into account the U.S. settlement taxes.

Mr. SMITH of New York. I thank the gentleman.

Mr. YOUNG of Illinois. Mr. Chairman, I move to strike the requisite number of words.

I would like to rise in support of the amendment. I regret that we have spent so much time debating this bill; but I do think that we should not overlook what I believe is the appropriate role for Congress with respect to the War Claims Act.

It has been stated that we have roughly \$20 million to divide up among \$100 million of claims. In effect, we have what I refer to as a bankruptcy situation. The bill without the amendment would give a preference to individuals in the payment of their claims before

corporations. This preference would extend to claims over \$35,000.

The amendment of the gentleman from Tennessee, as I understand it, would eliminate any such preference with respect to corporations and individuals. Those claims would all be treated on a pro rata basis, which is my understanding of the version that the Senate bill also provides.

Now, I do not think it is appropriate for the House to get into a determination of individual claims. I do not think it is the purpose of the House to do that.

Mr. MOSS. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Illinois. I yield to the gentleman from California.

Mr. MOSS. The gentleman has stated there are \$20 million. I used the figure \$11 million to \$14 million. I am correct, am I not, in that figure there are adjudicated claims approximating somewhere between \$6 million and \$9 million now in process, so that the residual fund which is addressed by the language of this bill addresses itself only to between \$11 million and \$14 million.

Mr. YOUNG of Illinois. I thank the gentleman and I accept that.

The point I was using the figures for was simply to illustrate we have not enough money to pay all the claims, and on that the gentleman from California agrees with me.

The point I am speaking to is that this House is not the appropriate body to try to determine individual claims. I regret that the gentleman from Texas singled out a particular company, Boise Cascade, to describe certain information set forth in an annual report. It is very difficult to evaluate that type of information. We are not the body to do it. That is what the Foreign Claims Settlement Commission is supposed to do.

I do think if the House of Representatives feels that individuals should have a claim priority over corporations, then the House should offer amendments like this to the bankruptcy laws. The bankruptcy laws, of course, have been on the books for many, many years. They provide no such distinction between claims of individuals and corporations. They make no such discrimination. The reason they do not make such discrimination is that it would not be equitable. Under our Constitution corporations are citizens, the same as individuals. We all recognize the fact that corporations are artificial entities, and they are owned by individuals, so there is no valid basis to discriminate against individuals who are stockholders of corporations, if the corporations have valid legitimate claims, compared to individuals who own property in their own individual names.

I think that the House of Representatives would be well advised to accept the well thought out language of the Senate and to have all claims over \$35,000 prorated in amount. We should try to avoid the political implications of corporation versus individual. I think that is not a proper basis for us to act upon, for the purpose of discriminating between claimants.

Mr. McCOLLISTER. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Illinois. I yield to the gentleman from Nebraska.

Mr. McCOLLISTER. Mr. Chairman, does the gentleman from Illinois know that the income tax law, when it considers corporate taxes, imposes a surtax over \$25,000 to earnings of over \$25,000, giving thereby some preference to the stockholders of smaller corporations? Is not that somewhat comparable to what the committee and the Congress is doing in this instance?

Mr. YOUNG of Illinois. No, I do not believe that such an analogy is relevant to the issue of the priority of claims in the distribution of a fund where there are more claims than there are assets.

I think the tax laws have certain social and other purposes in their enactment, and here we are dealing with claims, I do not think it appropriate to compare the two.

[Mr. McCOLLISTER addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. STAGGERS. Mr. Chairman, I rise in opposition to the amendment. I do not believe it is fair, and I ask that it be defeated.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Tennessee (Mr. KUYKENDALL).

The amendment in the nature of a substitute was rejected.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. McKay, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the Senate bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, pursuant to House Resolution 1306, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the bill.

The bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic de-



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vice, and there were—yeas 368, nays 17, not voting 49, as follows:

[Roll No. 477]

YEAS—368

Abdnor	Dorn	Lott
Abzug	Downing	Lujan
Adams	Drinan	Lukens
Addabbo	Duncan	McClary
Andersen,	du Pont	McCloskey
Calif.	Eckhardt	McCollister
Anderson, Ill.	Edwards, Ala.	McCormack
Andrews, N.C.	Edwards, Calif.	McEwen
Andrews,	Ellberg	McFall
N. Dak.	Erlenborn	McKay
Annuizio	Esch	McKinney
Archer	Eshleman	Maddox
Arends	Evans, Colo.	Maddox
Armstrong	Fascell	Madigan
Ashbrook	Findley	Mahon
Ashley	Fish	Maraziti
Aspin	Flaher	Martin, Nehr.
Badillo	Flood	Martin, N.C.
Bafalis	Flowers	Mathias, Calif.
Baker	Foley	Mathis, Ga.
Barrett	Ford	Matsunaga
Bauman	Forsythe	Mazzoli
Bell	Fountain	Meeds
Bennett	Fraser	Melcher
Bergland	Frelinghuysen	Metcalfe
Bevill	Frenzel	Metzger
Biaggi	Fray	Michel
Bieber	Freiblich	Milford
Bingham	Fulton	Mills
Blackburn	Fuqua	Minish
Boggs	Gaydos	Mink
Boland	Gettys	Mitchell, Md.
Bolling	Giammo	Mitchell, N.Y.
Brademas	Gibbons	Mizell
Bray	Gilman	Moakley
Breaux	Ginn	Molohan
Brickridge	Gonzalez	Montgomery
Brinkley	Goodling	Moorhead, Pa.
Brooks	Grasso	Morgan
Broomfield	Green, Oreg.	Mosher
Brotzman	Green, Pa.	Moss
Brown, Ohio	Griffiths	Murphy, Ill.
Broyhill, N.C.	Grover	Murtha
Broyhill, Va.	Gude	Myers
Buchanan	Guyer	Natcher
Burgener	Haley	Nedra
Burke, Calif.	Hamilton	Nelsen
Burke, Fla.	Hammerschmidt	Nichols
Burke, Mass.	Hanley	Nix
Burleson, Tex.	Hanrahan	O'Brien
Burlison, Mo.	Hansen, Idaho	O'Hara
Burton, John	Harrington	O'Neill
Burton, Phillip	Harsha	Owens
Butler	Hastings	Parris
Byron	Hawkins	Patman
Camp	Hays	Patten
Carney, Ohio	Hechler, W. Va.	Perkins
Carter	Heckler, Mass.	Pettis
Cassey, Tex.	Heinz	Peyser
Cederberg	Helstoski	Pickle
Chamberlain	Henderson	Pike
Clancy	Hicks	Poage
Clark	Hillis	Powell, Ohio
Clausen,	Hinshaw	Preyer
Don E.	Hogan	Price, Ill.
Clawson, Del.	Holifield	Price, Tex.
Clay	Holt	Pritchard
Cleveland	Holtzman	Quie
Cochran	Horton	Rallsback
Cohen	Hosmer	Randall
Collins, Ill.	Howard	Range
Conable	Hudnut	Rees
Conlan	Hungate	Regula
Conte	Hunt	Reuss
Conyers	Hutchinson	Rhodes
Corman	Ichord	Riegle
Cotter	Jarman	Rinaldo
Coughlin	Johnson, Calif.	Roberts
Cronin	Johnson, Colo.	Robinson, Va.
Daniel, Dan	Johnson, Pa.	Rodino
Daniel, Robert	Jones, Ala.	Roe
W. Jr.	Jones, N.C.	Rogers
Daniels	Jones, Okla.	Roncallo, Wyo.
Dominick V.	Jordan	Roncallo, N.Y.
Danielson	Kath	Rooney, Pa.
Davis, S.C.	Kastenmeier	Rose
Davis, Wis.	Kazen	Rosenthal
de la Garza	Kemp	Rostenkowski
DeFaney	Ketchum	Roush
Dellenback	King	Roussot
Dellums	Kluczyński	Roybal
Denholm	Koch	Runnels
Dennis	Kyros	Rupp
Dent	Lagomarsino	Ruth
Derwinski	Latta	Ryan
Devine	Lehman	St Germain
Dickinson	Lent	Sandman
Diggs	Long, La.	Sarasin
Donohue		

Sarbanes	Stratton	White
Satterfield	Stubblefield	Whitehurst
Scherle	Studds	Whitten
Schneebeli	Sullivan	Widnall
Schroeder	Symington	Wilson, Bob
Sebelius	Talcott	Wilson,
Seiberling	Taylor, Mo.	Charles H.,
Shipley	Taylor, N.C.	Calif.
Shriver	Thompson, N.J.	Wilson,
Sisk	Thomson, Wis.	Charles, Tex.
Skubitz	Thone	Winn
Slack	Tierman	Wolf
Smith, Iowa	Towell, Nev.	Wright
Smith, N.Y.	Traxler	Wyatt
Snyder	Udall	Wylder
Spence	Ullman	Wylie
Staggers	Van Deenlin	Wyman
Stanton,	Vander Jeet	Yates
J. William	Vander Veon	Yatron
Stanton,	Vanik	Young, Alaska
James V.	Vessey	Young, Fla.
Stark	Vigorito	Young, Ill.
Steed	Waggoner	Young, Tex.
Steele	Waldie	Zablocki
Steelman	Walsh	Zion
Steiger, Wis.	Wampler	Zwack
Stephens	Ware	
Stokes	Whalen	

NAYS—17

Bowen	Huber	Miller
Chappell	Kuykendall	Stuber
Collins, Tex.	Landgrebe	Steiger, Ariz.
Crane	Long, Md.	Symms
Evins, Tenn.	Mallory	Young, S.C.
Gross	Mann	

NOT VOTING—49

Alexander	Gunter	Podell
Beard	Hanna	Quillen
Blatnik	Hansen, Wash.	Rarick
Brasco	Hebert	Reid
Brown, Calif.	Jones, Tenn.	Robison, N.Y.
Brown, Mich.	Landrum	Rooney, N.Y.
Carey, N.Y.	Leggett	Roy
Chisholm	Litton	Shoup
Collier	McDade	Sikes
Culver	McSpadden	Stuckey
Davis, Ga.	Mayne	Teague
Dingell	Minshall, Ohio	Thornton
Dulski	Moorhead,	Treen
Flynt	Calif.	Wiggins
Goldwater	Murphy, N.Y.	Williams
Gray	Passman	Young, Ga.
Gubser	Pepper	

So the bill was passed.  
The Clerk announced the following pairs:

Mr. Hébert with Mr. Stuckey.  
Mr. Murphy of New York with Mr. Leggett.  
Mr. Flynt with Mr. Blatnik.  
Mr. Rooney of New York with Mr. Brown of California.  
Mr. Dingell with Mr. Gray.  
Mr. Carey of New York with Mr. Landrum.  
Mrs. Chisholm with Mrs. Hansen of Washington.  
Mr. Jones of Tennessee with Mr. Litton.  
Mr. Alexander with Mr. McSpadden.  
Mr. Podell with Mr. McDade.  
Mr. Pepper with Mr. Mayne.  
Mr. Roy with Mr. Beard.  
Mr. Young of Georgia with Mr. Culver.  
Mr. Passman with Mr. Collier.  
Mr. Hanna with Mr. Brown of Michigan.  
Mr. Rarick with Mr. Gubser.  
Mr. Reid with Mr. Goldwater.  
Mr. Gunter with Mr. Minshall of Ohio.  
Mr. Dulski with Mr. Moorhead of California.  
Mr. Davis of Georgia with Mr. Shoup.  
Mr. Teague with Mr. Treen.  
Mr. Sikes with Mr. Wiggins.  
Mr. Thornton with Mr. Williams.

The result of the vote was announced as above recorded.

The title was amended so as to read: "An Act to amend the War Claims Act of 1948 to increase benefits provided to American civilian internees in Southeast Asia and to provide for additional payments on awards made to individuals and corporations under that Act."

A motion to reconsider was laid on the table.

## FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 20 minutes.

Mr. KEMP. Mr. Speaker, it has been a long and arduous road to the achievement of substantive, practical campaign reform. I had hoped, when I first introduced legislation establishing an independent Federal Election Commission in 1973, that meaningful reform would be forthcoming in the first session of the 93d Congress. Finally, we have taken legislative action to help correct campaign abuses and corruption which have surfaced with increased regularity in the past several years.

Certainly no issue has yielded such broad bipartisan support. Illegal campaign practices, unethical tactics, dirty tricks, and influence peddling in the 1972 and prior campaigns have brought demands from the American people for positive legislative action.

The public's wishes have been translated into action. Each American believes that our political system must be ethical to be fair. Each American insists on his or her right to be informed about the campaign practices of the candidates for which he must vote; each American wants candidates to compete equitably for public office.

## THE NEW LAW

With this in mind, the House of Representatives has acted. The legislation drafted by the Committee on House Administration and amended by the full House limits contributions to \$1,000 per person and \$5,000 for broad-based political committees. Individuals can contribute no more than \$25,000 to all candidates and committees in any one calendar year. Contributions are prohibited by foreign nationals and cash contributions cannot exceed \$100 per person. These provisions should help restore public confidence by eliminating or reducing public suspicion that candidates are being "bought" or influenced by large campaign contributions.

In addition, the bill places limits on the amount of expenditures a candidate may make: \$10 million for nomination for President, \$20 million in a general election for President, 5 cents times the populations of the geographical area or \$75,000 for the Senate—whichever is greater—and \$60,000 for House races. The \$60,000 limitation figure was arrived at as a compromise between the Committee on House Administration recommendation of \$75,000 and a lower figure advocated by several colleagues and myself.

Other provisions of the bill include the requirement that all candidates designate a principal or central campaign committee. The reports of all other committees supporting that candidate must be filed with the principal committee which in turn compiles these reports and sends them to the appropriate supervisory officer. All expenditures made or behalf of a candidate must be made through the principal campaign committee.



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facilities close inshore, and with the approaching end of the session we must accept this conference action or not have a deep port bill.

But I would like to express my dissatisfaction with the final product and the methods that produced it. By a substantial margin, and with full debate on the merits of both bills, this House adopted the Merchant Marine and Fisheries Committee version over that of the Public Works Committee. Then, with the appointment of a majority of the House conferees from supporters of the public works bill, it was assured that the version adopted by the House would never receive adequate consideration in the conference.

This bill before us now lacks clear-cut administrative authority, has numerous veto opportunities, provides a series of special preferential arrangements, and generally is going to be very difficult to work with.

It culminates a tortured, wasteful, and time-consuming legislative process that has delayed implementation of this vital portion of our energy plans for nearly 2 years. If Congress is to effectively address the many problems confronting our Nation in the next term, we must do better than this.

GENERAL LEAVE

Mr. BREAU. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the conference report just considered.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. BREAU. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

CANAVERAL NATIONAL SEASHORE IN THE STATE OF FLORIDA

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 5773) to establish the Canaveral National Seashore in the State of Florida, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 2, lines 11 and 12, strike out "a point on the waterway approximately one mile north of".

Page 8, lines 4 and 5, strike out "a point on the waterway approximately one mile north of".

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, can the gentleman state whether there are any nongermane amendments attached to this?

Mr. TAYLOR of North Carolina. The

Senate amendments involve the deletion from the Seashore of approximately 600 acres of privately owned lands on the mainland side of Mosquito Lagoon. This deletion should result in a reduction in the land acquisition costs at this area.

Mr. BAUMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON S. 1728, WAR CLAIMS

Mr. MOSS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, with House amendments thereto, insist on the House amendments and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from California? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, ECKHARDT, BROYHILL of North Carolina, WARE, and MCCOLLISTER.

PERMISSION FOR CONFEREES ON S. 1728 TO FILE CONFERENCE REPORT

Mr. MOSS. Mr. Speaker, I ask unanimous consent that the conferees on the disagreeing votes of the two Houses on the Senate bill S. 1728, have until midnight tonight to file a conference report on that bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-1618)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the Senate bill and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

That section 5(1)(3) of the War Claims Act of 1948 (50 App. U.S.C. 2004(1)(3)) is amended by striking out "\$60" and inserting in lieu thereof "\$150".

SEC. 2. Section 213(a) of such Act is amended by redesignating paragraph (4) as paragraph (5) and inserting after paragraph (3) the following new paragraph:

"(4) Thereafter, payments from time to time on account of the other awards made to individuals pursuant to section 202 and not compensated in full under paragraph (1), (2), or (3) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed \$250,000."

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the Senate bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment insert the following: "An Act to amend the War Claims Act of 1948 to increase benefits provided to American civilian internees in Southeast Asia and to provide for additional payments on awards made to individuals under that Act."

And the House agree to the same.

HARLEY O. STAGGERS,  
JOHN E. MOSS,  
W. S. (BILL) STUCKEY, Jr.,  
BOB ECKHARDT,  
JAMES T. BROYHILL,  
JOHN H. WARE,  
JOHN Y. MCCOLLISTER,

Managers on the Part of the House.

QUENTIN BURDICK,  
HIRAM L. FONG,  
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all of the Senate bill after the enacting clause and inserted a substitute text and provided a new title for the Senate bill, and the Senate disagreed to the House amendments.

The committee of conference recommends that the Senate recede from its disagreement to the amendment of the House to the text of the bill, with an amendment which is a substitute for both the text of the Senate bill and the House amendment to the text of the Senate bill, and also recede from its disagreement to the House amendment to the title of the Senate bill with a clarifying amendment.

The differences between the text of the Senate bill, the House amendment thereto, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by reason of agreements reached by the conferees, and minor drafting and clarifying changes.

SENATE BILL

The Senate bill amended section 5 of the War Claims Act of 1948 to increase the authorized detention benefits for American civilians during the Vietnam conflict from \$60 per month to \$150 per month, in order to raise the detention benefits authorized for civilians to the level presently authorized for military personnel.

HOUSE AMENDMENT

The House amendment also amended section 5 of the War Claims Act of 1948 to increase from \$60 to \$150 per month the benefits provided to American civilian internees in Southeast Asia.

In addition, section 2 of the House amendment amended section 213(a) of the War Claims Act of 1948 to give a first priority to the payment in full of the remaining individual awards for property losses arising out of World War II, and a second priority to the payment of the remaining corporate awards for similar losses up to the level of \$50,000.

Existing law provides for payment of both individual and corporate awards, in equal amounts up to \$35,000, and on a pro rata basis above that figure.

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## CONFERENCE SUBSTITUTE

The conference substitute, like both the Senate and the House amendment, increases from \$90 to \$150 per month the benefits provided to American civilian internees in Southeast Asia.

Under the conference substitute, the provision of existing law under which both individual and corporate awards are paid in equal amounts up to \$35,000 is retained, and thereafter individual claimants not paid in full will receive payments in an amount which will be the same for each award or in the amount of the award, whichever is less. The total payment under the new section 213(a)(4) to any individual on account of any award is limited to \$250,000. The balance of amounts in the War Claims Fund will then be used to make pro rata payments on the remaining individual and corporate awards.

The Committee of Conference agreed, in adopting these amendments to existing law, that there is no intent to encourage or set any precedent concerning settlement of property loss claims in the field of international law which are within the proper jurisdiction of other committees of the Congress. The amendments are designed solely to provide an equitable solution to the particular facts surrounding the remaining unpaid property loss claims arising out of World War II.

HARLEY O. STAGGERS,  
JOHN E. MOSS,  
W. S. (BILL) STUCKEY, Jr.,  
BOB ECKHARDT,  
JAMES T. BROVHILL,  
JOHN H. WARE,  
JOHN Y. MCCOLLISTER,  
*Managers on the Part of the House.*  
QUENTIN BURDICK,  
HIRAM L. FONG,  
*Managers on the Part of the Senate.*

PERMISSION FOR COMMITTEE ON  
EDUCATION AND LABOR TO FILE  
CONFERENCE REPORT ON H.R. 620

Mr. MEEDS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor have until midnight tonight to file a conference report on the bill H.R. 620.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

CONFERENCE REPORT (H. REPT. NO. 93-1620)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 620) to establish within the Department of the Interior an additional Assistant Secretary of the Interior for Indian Affairs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate with an amendment as follows:

That there shall be in the Department of the Interior, in addition to the Assistant Secretaries now provided for by law, one additional Assistant Secretary of the Interior for Indian Affairs, who shall be appointed by the President by and with the advice and consent of the Senate, who shall be responsible for such duties as the Secretary of the Interior shall prescribe with respect to the conduct of Indian Affairs, and who shall receive compensation at the rate now or hereafter prescribed by law for Assistant Secretaries of the Interior.

Sec. 2. Section 5315 of title 5 of the United States Code is amended by striking out "(6)" at the end of item (18) and by inserting in lieu thereof "(7)".

Sec. 3. Section 462, Revised Statutes, as amended and supplemented (25 U.S.C. 1), and paragraph (45) of section 5316 of title 5 of the United States Code, are repealed: *Provided*, That this section shall not take effect until an Assistant Secretary of the Interior for Indian Affairs has been confirmed and takes the oath of office.

Sec. 4. Subsection 7(c) of the Alaska Native Claims Settlement Act (85 Stat. 688) is hereby amended by deleting that subsection in its entirety and inserting in lieu thereof a new subsection as follows:

"(c) The Secretary shall establish a thirteenth region for the benefit of Natives who are nonresidents of Alaska who elect, pursuant to section 28, to be enrolled therein, and they may establish a regional corporation pursuant to this Act."

Sec. 5. The Alaska Native Claims Settlement Act (85 Stat. 688) is hereby further amended by inserting at the end thereof a new section 28 as follows:

"Sec. 28. (a) The Secretary shall provide the opportunity within 120 days after the enactment of this section to all enrolled Natives 18 years or older on the date of filing of the original enrollment application who are not permanent residents of Alaska to inform him within 180 days after the enactment of this Act whether or not they wish to be enrolled in the thirteenth region and those that inform him that they desire to be enrolled in the thirteenth shall have their enrollment changed so as to be enrolled in the thirteenth region. In determining residence for purposes of this section, the Secretary shall use the roll as certified on December 17, 1973, as amended, to reflect changes resulting from appeals or corrections: *Provided*, however, That any Native who, prior to December 1, 1974, informed the Secretary in writing of a desire to change his claimed place of residence as stated in column 16 of the enrollment form and whose request for such change was not honored by the Secretary shall, within 120 days of the enactment of this subsection, be provided the opportunity to file within 180 days of enactment of this section, a final declaration of residence which the Secretary shall review and honor if it is otherwise in conformity with the provisions of this Act. Any Native, previously found eligible by the Secretary to participate in the thirteenth region election, who fails to inform the Secretary of his desires in accordance with this section shall be enrolled according to the Native's choice expressed on his original enrollment application or any amendment thereto previously accepted by the Secretary or any amendment thereto not previously accepted by the Secretary: *Provided*, That the Secretary may reject any such amendment previously not accepted only if the Secretary determines that the Native's permanent residence is not that expressed by him in his amendment.

"(b) Within a thirty day period of the completion of the election and enrollment changes provided for in subsection (a) of this section, any bona fide organization representing nonresident Natives shall submit to the Secretary the names of not more than five Natives who have elected to be enrolled in the thirteenth region as nominees for the positions of the five incorporators of the thirteenth regional corporation. Not less than thirty days nor more than sixty days after such period, the Secretary shall mail to all eligible voters ballots containing the names of all nominees and their associational affiliations for the purpose of an election by mail of the five incorporators who shall

serve as the initial directors of the thirteenth regional corporation. Eligible voters in the election shall be only Natives eighteen years of age or older on the date of election of incorporators pursuant to this subsection who are enrolled in the thirteenth region. Valid ballots shall be only those ballots mailed to the Secretary or his designee not later than ninety days after such period. The five nominees for whom the most votes are cast shall be elected incorporators of the thirteenth regional corporation and shall promptly take all steps authorized by this Act for such incorporators. All rules, regulations, and information relating to the election shall be transmitted directly to all known organizations representing nonresident Natives, the twelve regional corporations representing resident Natives, and all eligible voters.

"No moneys distributed or to be distributed pursuant to this Act may be expended or obligated by any Native, Native corporation, Native organization, representative thereof, or adviser thereto, to assist in, communicate on, or otherwise influence the election.

"(c) The articles of incorporation of the thirteenth regional corporation shall be submitted to the Secretary for approval in accordance with subsection 7(c) within eighteen months of the enactment of this section.

"(d) Any distribution of funds to regional corporations from the Alaska Native Fund pursuant to subsection (c) of section 6 of this Act made by the Secretary or his delegate prior to enactment of this section on the basis of the final roll certified on December 17, 1973, shall not be affected by the provisions of this section. The Secretary shall make any necessary adjustments in future distributions of funds pursuant to subsection (c) of section 6 of this Act to accommodate enrollment changes made pursuant to subsection (a) of this section to insure that the funds received by the thirteen regional corporations and their stockholders will be equal to the sums which would have been distributed to those corporations and individuals had the thirteenth regional corporation been formed on or before December 17, 1973: *Provided*, That such adjustments shall not take effect until the next regularly scheduled distribution period following completion of the election and enrollment changes pursuant to subsection (a) of this section: *Provided further*, That the Secretary is authorized to make payments to the thirteenth regional corporation, once established, during the period prior to such next regularly scheduled distribution period from the Fund pursuant to this Act and such payments shall be in the form of advances on such corporation's adjusted share of such regularly scheduled distribution.

"(e) Any stock issued by a corporation under subsection (g) of section 7 of this Act to any Native who is enrolled in the thirteenth region pursuant to this section shall, upon enrollment of that Native, be canceled by the issuing corporation without liability to it or the Native whose stock is so canceled.

"(f) Except as specifically provided herein, nothing in this section shall be construed to alter or amend any of the provisions of this Act."

Sec. 6. The Alaska Native Claims Settlement Act (85 Stat. 688) is further amended by adding a new section 29, to read as follows:

"Sec. 29. Any corporation organized pursuant to this Act shall through December 31, 1976, be exempt from the provisions of the Investment Company Act of 1940 (54 Stat. 789), as amended. Nothing in this section shall, however, be construed to mean that any such corporation shall or shall not after

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moved until December 31, 1975, or until the State in which the sign, display, or device is located certifies that the directional information about the service or activity advertised on such sign, display, or device may reasonably be available to motorists by some other method or methods, whichever shall occur first. A State shall give preference, with due regard to the orderly scheduling of the removal of signs, displays, and devices and to highway safety, to the purchase and removal of any nonconforming sign, display, or device voluntarily offered by the owner thereof to the State for removal if funds are available to such State for such purpose.

"(p) In the case of any sign, display, or device required to be removed under this section prior to the date of enactment of the Federal-Aid Highway Act of 1974, which sign, display, or device was after its removal lawfully relocated and which as a result of the amendments made to this section by such Act is required to be removed, the United States shall pay 100 per centum of the just compensation for such removal (including all relocation costs).

"(q) (1) During the implementation of State laws enacted to comply with this section, the Secretary shall encourage and assist the States to develop sign controls and programs which will assure that necessary directional information about facilities providing goods and services in the interest of the traveling will continue to be available to motorists. To this end the Secretary shall restudy and revise as appropriate existing standards for directional signs authorized under subsections 131(c) (1) and 131(f) to develop signs which are functional and esthetically compatible with their surroundings. He shall employ the resources of other Federal departments and agencies, including the National Endowment for the Arts, and employ maximum participation of private industry in the development of standards and systems of signs developed for those purposes.

"(2) For purposes of this subsection, signs providing directional information about facilities providing goods and services in the interest of the traveling public are defined to be those giving directional information about gas and automotive services, food, lodging, campgrounds, truckstops, resorts, recreational areas, tourist attractions, historic sites, and such other facilities as a State, with the approval of the Secretary, may deem appropriate.

"(3) Among other things the Secretary shall encourage States to adopt programs to assure that removal of signs providing necessary directional information, which also were providing directional information on June 1, 1972, about facilities in the interest of the traveling public, be deferred until all other nonconforming signs are removed.

"(4) The owner or operator of any facility providing goods and services in the interest of the traveling public shall have the right to continue using no more than one nonconforming sign in each direction on any highway subject to controls under a State law enacted to comply with this section, which sign is providing directional information about such facility, and which had been providing directional information as of June 1, 1972, and which is within seventy-five miles, or such other distance as the State in which the sign is located may determine, until the Secretary determines directional information about such facility is being adequately provided to motorists traveling in that direction on such controlled highway by conforming signs authorized by subsection 131(d) of this title, by signs advertising activities conducted on the property on which they are located, by signs authorized by subsections 131(c) (1) or 131(f) of this title, by any other nonconforming signs, or by such other means as the State in which the sign is located deems to be adequate."

## CONTROL OF JUNKYARDS

SEC. 104. Subsection (j) of section 136 of title 23, United States Code, is amended by striking out the first sentence and inserting in lieu thereof the following:

"(j) Just compensation shall be paid the owner for the relocation, removal, or disposal of junkyards lawfully established under State law."

## ADVANCE CONSTRUCTION

SEC. 105. (a) Subsection (a) of section 115 of title 23, United States Code, is amended by striking out "including the Interstate System," each of the two places it appears and inserting in lieu thereof at each such place the following: "other than the Interstate System."

(b) Section 115 of title 23, United States Code, is amended by redesignating subsection (b) as subsection (c) and by adding immediately after subsection (a) the following new subsection:

"(b) When a State proceeds to construct any project on the Interstate System without the aid of Federal funds, as that System may be designated at that time, in accordance with all procedures and all requirements applicable to projects on such System, except insofar as such procedures and requirements limit a State to the construction of projects with the aid of Federal funds previously apportioned to it, the Secretary, upon application by such State and his approval of such application, is authorized to pay to such State the Federal share of the cost of construction of such project when additional funds are apportioned to such State under section 104 of this title if—

"(1) prior to the construction of the project the Secretary approves the plans and specifications therefor in the same manner as other projects on the Interstate System, and

"(2) the project conform to the applicable standards under section 109 of this title."

## BUS WIDTHS

SEC. 106. (a) Chapter 1 of title 23 of the United States Code is amended by inserting after section 132 the following new section:

"§ 133. Bus widths

"Notwithstanding any other provision of this title relating to vehicle widths, any bus having a width of one hundred and two inches or less may operate on any lane of twelve feet or more in width on the Interstate System."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by striking out

"133. Relocation assistance."

and inserting in lieu thereof the following:

"133. bus widths."

## ENFORCEMENT

SEC. 107. (a) Chapter 1 of title 23 of the United States Code is amended by inserting after section 140 the following new section:

"§ 141. Enforcement of requirements

"Each State shall certify to the Secretary before January 1 of each year that it is enforcing all State laws respecting maximum vehicle size and weights permitted on the Interstate System in accordance with section 127 of this title, and all speed limits on public highways in accordance with section 2 of the Emergency Highway Energy Conservation Act (Public Law 93-239). The Secretary shall not approve any project under section 106 of this title in any State which has failed to certify in accordance with this section."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by striking out

"141. Real property acquisition policies."

and inserting in lieu thereof the following:

"141. Enforcement of requirements."

## ACCESS HIGHWAYS TO PUBLIC RECREATION AREAS ON CERTAIN LAKES

SEC. 108. (a) Chapter 1 of title 23, United States Code, is further amended by adding at the end thereof the following new section:

"§ 154. Access highways to public recreation areas on certain lakes

"(a) The Secretary is authorized to construct or reconstruct access highways to public recreation areas on lakes in order to accommodate present and projected traffic density. The Secretary shall develop guidelines and standards for the designation of routes and the allocation of funds for the purpose of this section which shall include the following criteria:

"(1) No portion of any access highway constructed or reconstructed under this section shall exceed thirty-five miles in length nor shall any portion of such highway be located more than thirty-five miles from the nearest part of such recreation area.

"(2) Routes shall be designated by the Secretary on the recommendation of the State and responsible local officials, after consultation with the head of the Federal agency (1) any having jurisdiction over the public recreation area involved.

"(b) The Federal share payable on account of any project authorized pursuant to this section shall not exceed 70 per centum of the cost of construction or reconstruction of such project.

"(c) All of the provisions of this title applicable to highways on the Federal-aid system (other than the Interstate System) determined appropriate by the Secretary, except those provisions which the Secretary determines are inconsistent with this section, shall apply to any highway designated under this section which is not a part of the Federal-aid system when so designated.

"(d) For the purpose of this section the term 'lake' means any lake, reservoir, pool, or other body of water resulting from the construction of any lock, dam, or similar structure by the Corps of Engineers, Department of the Army, or the Bureau of Reclamation, Department of the Interior, or the Tennessee Valley Authority, and any multipurpose lake resulting from construction assistance of the Soil Conservation Service, Department of Agriculture. This section shall apply to lakes herebefore or hereafter constructed or authorized for construction.

"(e) There is authorized to be appropriated not to exceed \$25,000,000 for the fiscal year 1976 to carry out this section. Amounts authorized by this subsection for a fiscal year shall be available for that fiscal year and for the two succeeding fiscal years."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"154. Access highways to public recreation areas on certain lakes."

## BRIDGES ON FEDERAL DAMS

SEC. 109. (a) Section 320(d) of title 23 of the United States Code (as amended) is amended by striking out "\$25,261,000" and inserting in lieu thereof "\$27,761,000".

(b) All sums appropriated under authority of the increased authorization established by the amendment made by subsection (a) of this section shall be available for expenditure in the same manner and for the same purpose as provided for in subsection (b) of section 116 of the Federal-Aid Highway Act of 1970 (Public Law 91-605).

## OFF-SYSTEM ROADS

SEC. 110. (a) Chapter 2 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 219. Off-system roads

"(a) The Secretary is authorized to make grants to States for projects for the construction, reconstruction, and improvement of any off-system road (including, but not limited



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to, the replacement of bridges, the elimination of high-hazard locations, and roadside obstacles).

"(b) On or before January 1 next preceding the commencement of each fiscal year the Secretary shall apportion the sums authorized to be appropriated to carry out this section among the several States as follows:

"(1) one-third in the ratio which the area of each State bears to the total area of all States;

"(2) one-third in the ratio which the population of rural areas of each State bears to the total population of rural areas of all the States; and

"(3) one third in the ratio in which the off-system road mileage of each State bears to the total off-system road mileage of all the States. Off-system road mileage as used in this subsection shall be determined as of the end of the calendar year preceding the year in which the funds are apportioned and shall be certified to by the Governor of the State and subject to approval by the Secretary.

"(c) Sums apportioned to a State under this section shall be made available for expenditures in the counties of such State on a fair and equitable basis.

"(d) Sums apportioned under this section and programs and projects under this section shall be subject to all of the provisions of chapter 1 of this title applicable to highways on the Federal-aid secondary system except the formula for apportionment, the requirement that these roads be on the Federal-aid system, and those other provisions determined by the Secretary to be inconsistent with this section. The Secretary is not authorized to determine as inconsistent with this section any provision relating to the obligation and availability of funds.

"(e) As used in this section the term, 'off-system road' means any toll-free road (including bridges) in a rural area, which road is not on any Federal-aid system and which is under the jurisdiction of and maintained by a public authority and open to public travel."

(d) The analysis of chapter 2, title 23, United States Code, is amended by adding at the end thereof the following:

"219. Off-system roads."

## DONATIONS

SEC. 111. Section 323 of title 23, United States Code, is amended by striking out "after he has been tendered the full amount of the estimated just compensation as established by approved appraisal of the fair market value of the subject real property," and by inserting in lieu thereof the following: "after he has been fully informed of his right to receive just compensation for the acquisition of his property."

## REPEAL

SEC. 112. Subsection (e) of section 2 of the Emergency Highway Energy Conservation Act (Public Law 93-239) is hereby amended to read as follows:

"(e) This section shall cease to be in effect on and after the date on which Congress by concurrent resolution declares there is no need requiring the application of this section."

## EXTENSION OF CARPOOLS

SEC. 113. The last sentence of section 3(d) of the Emergency Highway Energy Conservation Act (Public Law 93-239) is amended by striking out "December 31, 1974" and inserting in lieu thereof "December 31, 1975".

## RECONSTRUCTION OF ROUTES

SEC. 114. The Secretary of Transportation is authorized to make grants to the State of Florida for the reconstruction of Federal primary routes. The provisions of chapter 1 of title 23, United States Code, that are applicable to Federal-aid primary highways, except those relating to the apportionment

formula and the period of availability of funds shall apply to the reconstruction authorized by this section. Funds authorized by this section are in addition to, and not in lieu of, funds otherwise available to the State of Florida under any other provision of law. Funds authorized to carry out this section for the fiscal year ending June 30, 1975, shall be deemed to be apportioned to the State of Florida on the date of enactment of this section and other funds authorized to carry out this section shall be deemed to be apportioned to the State of Florida on January 1 next preceding the commencement of the first full fiscal year which begins after the date of enactment of this section. Such sums shall be available until expended. \$10,000,000 is authorized out of the Highway Trust Fund for the fiscal year ending June 30, 1975, and \$15,000,000 is authorized out of the Highway Trust Fund for the fiscal year ending June 30, 1976, to carry out this section.

## DEMONSTRATION PROJECTS

SEC. 115. The Secretary of Transportation shall carry out a demonstration project for construction of a high-density urban highway intermodal transportation connection between Franklin Avenue and Fifty-ninth Street, South, in Minneapolis, Minnesota. The Federal share of such project shall be 90 per centum of the cost thereof. Such highway shall be placed on a Federal-aid system before any funds are expended under this section. There is authorized to be appropriated, out of the "Highway Trust Fund, not to exceed \$53,000,000 to carry out this section.

## AUBURN BRIDGE

SEC. 116. (a) In order to provide access between the historical portion of the city of Auburn, California, Auburn District Fairgrounds, city park and parking lots, and the Auburn Dam Overlook area, for motor vehicles and for passage of pedestrians, equestrians, and cyclists under a highway relocation, the Secretary of the Interior is authorized to construct, in lieu of a drainage culvert, an intermediate size bridge across a shallow ravine. The bridge, at approximate stations 154+46 to 155+30 (84 feet), shall be part of the State Highway Number 49 relocation through the city of Auburn, California.

(b) Upon completion such bridge shall be transferred to the State of California for operation and maintenance as a part of the highway relocation. The cost of the bridge, less the original planned drainage culvert, shall be considered as nonreimbursable.

(c) There is authorized to be appropriated to carry out this section the sum of \$250,000 (October 1974 price levels) plus or minus such amounts as may be justified by changes in price indexes applicable to the type of development involved herein.

## ROUTE WITHDRAWALS

SEC. 117. (a) Section 103(e) (2) of title 23 of the United States Code is amended by striking out the period following "House Report Numbered 92-1443" and inserting in lieu thereof a comma and the following: "increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate."

(b) Section 103(e) (4) of title 23 of the United States Code is amended by striking out the period following "House Report Numbered 92-1443" and inserting in lieu thereof a comma and the following: "increased or decreased, as the case may be, as determined by the Secretary, based on changes in construction costs of such route or portion thereof as of the date of withdrawal of approval

under this paragraph and in accordance with that design of such route or portion thereof which is the basis of such 1972 cost estimate."

## SCHOOL BUS DRIVER TRAINING

SEC. 118. (a) Chapter 4 of title 23, United States Code, is amended by adding at the end thereof the following new section:

"§ 406. School bus driver training

"(a) The Secretary is authorized to make grants to the States for the purpose of carrying out State programs approved by him of driver education and training for persons driving school buses.

"(b) A State program under this section shall be approved by the Secretary if such program—

"(1) provides for the establishment and enforcement of qualifications for persons driving school buses;

"(2) provides for initial education and training and for refresher courses;

"(3) provides for periodic reports to the Secretary on the results of such program; and

"(4) includes persons driving publicly operated, and persons driving privately operated, school buses.

"(b) There is authorized to be appropriated out of the Highway Trust Fund for the fiscal year 1976, \$7,500,000 per fiscal year. Such sums shall be apportioned among the States in accordance with the formula established under subsection (c) of section 402 of this title. The Federal share payable on account of any project to carry out a program under this title shall not exceed 70 per centum of the cost of the project."

(b) The analysis of chapter 4, title 23, United States Code, is amended by adding at the end thereof the following:

"406. School bus driver training."

Mr. RANDOLPH. Mr. President, I move that the Senate disagree to the amendment of the House; agree to the request of the House for a conference on the disagreeing votes of the two Houses thereon; and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. RANDOLPH, Mr. GRAVEL, Mr. BURDICK, Mr. STAFFORD, and Mr. BAKER conferees on the part of the Senate.

## AMERICAN CIVILIAN INTERNEES IN SOUTHEAST ASIA

Mr. BURDICK. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 1728.

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendment of the House of Representatives to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia as follows:

Strike out all after the enacting clause, and insert:  
That section 5(1) (3) of the War Claims Act of 1948 (50 App. U.S.C. 2004 (1) (3)) is amended by striking out "\$60" and inserting in lieu thereof "\$150".

SEC. 2. (a) Section 213(a) (3) of the War Claims Act of 1948 (50 App. U.S.C. 2017 (a) (3)) is amended to read as follows:

"(3) Thereafter, payments from time to time on account of the other awards made to individuals pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this



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paragraph on account of any award shall not exceed \$500,000."

(b) Section 213(a) of such Act is amended by redesignating paragraph (4) as paragraph (5) and inserting after paragraph (3) the following new paragraph:

"(4) Thereafter, payments from time to time on account of the other awards made to corporations pursuant to section 202 and not compensated in full under paragraph (1) or (2) of this subsection in an amount which shall be the same for each award or in the amount of the award, whichever is less. The total payment pursuant to this paragraph on account of any award shall not exceed \$50,000."

And to amend the title so as to read: "An Act to amend the War Claims Act of 1948 to increase benefits provided to American civilian internees in Southeast Asia and to provide for additional payments on awards made to individuals and corporations under that Act."

Mr. BURDICK. Mr. President, I move that the Senate disagree to the amendments of the House and request a conference with the House of Representatives, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. BURDICK, Mr. BAYH, and Mr. FONG conferees on the part of the Senate.

#### SOCIAL SERVICES AMENDMENTS OF 1974

The Senate continued with the consideration of the bill (H.R. 17045) to amend the Social Security Act to establish a consolidated program of Federal financial assistance to encourage provision of services by the States.

Mr. LONG. Mr. President, in order that the Record might show what a shocking amount of taxes are actually paid by the poor, I ask unanimous consent to have printed in the Record a chart demonstrating the percent of taxes estimated to be paid by the poor and their income.

There being no objection, the chart was ordered to be printed in the Record, as follows:

TAXES AND TRANSFERS AS A PERCENTAGE OF INCOME:  
1965

Income class	Taxes			Transfer payments	Taxes less transfers
	Federal	State and local	Total		
Under \$2,000.....	19	25	44	126	-183
\$2,000 to \$4,000.....	16	11	27	11	16
\$4,000 to \$6,000.....	17	10	27	5	21
\$6,000 to \$8,000.....	17	9	26	3	23
\$8,000 to \$10,000.....	18	9	27	2	25
\$10,000 to \$15,000.....	19	9	27	2	25
\$15,000 and over.....	32	7	38	1	37
Total.....	22	9	31	14	24

<sup>1</sup> The minus sign indicates that families and individuals in this class received more from Federal, State, and local governments than they, as a group, paid to these governments in taxes.

Source: Herman Miller, Rich Man, Poor Man, p. 17. Joseph A. Pechman, "The Rich, the Poor and the Taxes They Pay," The Public Interest, November 1969. The data are from the Economic Report of the President, 1969, p. 161.

Mr. LONG. Mr. President, according to this chart, which was prepared by Mr. John A. Pechman and which was included in an article entitled, "The Rich, the Poor, and the Taxes They Pay," No-

vember of 1969, it is pointed out that people whose income is listed as being \$2,000 and under pay a shocking figure of 44 percent of their income in taxes. Mr. President, that is a higher percentage than is paid by those who are making \$15,000 and over, at the bottom of that column.

One can say, well, how could it be so high? I assume the reason it is so high is that some of those people are drawing welfare payments, which are not counted as income, and which are shown in the column of that table headed "Transfer Payments."

Mr. President, there are a lot of poor people who have no income other than their earnings. For those people who make \$2,000 or less, the taxes are amazingly high. For example, even though they pay no income tax, when they buy a product, they absorb somewhere between 50 percent and 75 percent of the income tax levied on corporations, which has been passed on to them in the price of their product. All economists agree, so far as I have been able to determine, that that figure has to be at least 50 percent, and it probably would be nearer to 75 percent, if one takes into account the extent to which corporations necessarily must pass along the tax expense, just as they must pass along all other expenses of doing business in order to make a profit and stay in business.

When the social security tax is paid, theoretically the worker is paying about 5 percent of his income in social security taxes. As a practical matter, he is paying more, because when he buys the article, the manufacturer or the producer, having paid that social security tax, adds it to the cost of doing business and it is in the price that a person pays.

So, if we look at who ultimately pays a tax, in many instances, it might appear that the tax is assessed on an employer, but it had been passed on to the consumer of the product.

Taking those things into account, Mr. President, it is amazing and somewhat shocking how the poor pay almost as much in taxes, measured against their meager income, as do the rich. That is why some of us have been contending for many years, and we have persuaded the Senate on at least two occasions, that, rather than tax income away from the poor, which then puts them on welfare, and rather than have working poor on welfare for small amounts of money—\$10 or \$15 or \$20 a month—it would be better simply to give those people a tax cut on taxes which are being passed through to them, give them credit on taxes we know they are absorbing. There is no way of their buying the necessities of life without absorbing the social security taxes, the corporate income taxes, and other taxes passed on to them.

When people pay rent, it is true that they are paying no direct taxes on the property, but the landlord is paying those taxes, and he is including the cost in the rent. So it is not the landlord, in the last analysis, who is paying taxes on his property, it is the person who rents the property. That is why this chart indicates that for people making an income of \$2,000 or less, their State and local tax

rate is 25 percent of their income, being a large part of the rent that they pay when they seek to obtain housing.

This tax credit was once referred to, Mr. President, as the work bonus. That was the name suggested to us by the able Senator from Nebraska (Mr. CURTIS), at a time when he was supporting this proposal. Subsequently, when we offered it on a tax bill, he suggested it should be named the low-income tax credit. I suppose it would be just as well to let it be named the low-income tax credit, because if the Senator feels that he must disown the baby to which he helped give birth, and it would be best that it not bear the name he gave it.

If it becomes law, it will be known as the low-income tax credit, which I think might help avoid confusion as to the paternity of the legislative proposal.

It is not really the suggestion of the Senator from Louisiana, Mr. President. This was suggested to me the first time by Gov. Ronald Reagan of California. He suggested that we should try to give back to low-income working poor that 5 percent social security tax that they were paying. This Senator, in turn, concluded that if we are going to give them back something, since they are actually absorbing the whole 10 percent, we may as well give them back the whole 10 percent, in order to avoid helping the poor on to the welfare rolls.

When we debated this welfare reform proposal back and forth, there was one suggestion generated by those of us who studied the matter on the Committee on Finance, which at that time both the liberals and the conservatives were able to agree upon. That was this proposal which is now referred to as the low-income tax credit, part of the amendment to this bill. I hope, Mr. President, that the Senate, having voted for it by large majorities every time it voted—I think the last time it was voted on, it received better than a 2-to-1 margin, almost a 3-to-1 majority—the Senate will again give its approval to this measure.

We just passed a proposal to provide public service jobs for several billion dollars to try to help the poor who have no jobs. While we are at it, I think we would be well advised to see if we cannot do something for those who are very distressed, partly because of the taxes they are having to absorb. They have jobs, although those jobs have so little to recommend them that many of these people must apply for welfare assistance, which would not be necessary if they were not having to bear an unconscionable burden on the very meager income that they earn.

Mr. President, if there is no other Senator desiring to speak on this measure, I am prepared to yield back the remainder of my time and permit the clerk to call the roll.

The PRESIDING OFFICER (Mr. HASKELL). The time of the Senator from Louisiana has expired.

Mr. CURTIS. Mr. President, I yield such time as he desires to the distinguished Senator from New York (Mr. BUCKLEY).

Mr. BUCKLEY. Mr. President, I wish to reiterate a point I have been making

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on a number of occasions in recent months, namely, the impossibility of doing our work intelligently when we are asked to vote on complex legislation that is reported out without any advance notice and without any accompanying report, or a report arriving on the floor so late as to make analysis impossible.

Under the circumstances, I propose to vote against cloture. I simply do not see why these matters cannot be held over until the first of next year—we are talking only in terms of a few weeks—so that the Members of this body will have a chance to analyze and assess the impact of the whole variety of issues and amendments that are contained in the legislation before us.

There is one item that is of particular interest to me, and that is to see to it that any legislation that is enacted has in it an expression of the will of the Senate that no Federal funds will be availed of for the financing of abortions. In the past year, we have had a number of pieces of legislation that contained this clear intent; yet we find resistance and heel-dragging at HEW. I certainly intend, if we do go forward with this legislation this year, to call up such an amendment.

I also understand that this bill proposes a measure which may very well be important, and may very well meet one of our basic needs; namely, the proposition of providing financial subsidies to the working poor.

This, however, is a complex matter, and I believe it has enormous implications for a redirection of our whole concept of welfare support. It may very well be a measure to which I may want to give my personal support, but, again, I cannot see how any of us who have not been actively involved in the deliberations of the committee can be expected to drop everything else we are trying to do in the closing days of the session in order to concentrate on the issues, to determine how we may want to vote on this and the other important issues involved in the legislation.

Therefore, Mr. President, I hope sufficient Members will vote against cloture to enable us to more thoughtfully understand what is contained in the Social Services Amendments of 1974.

The PRESIDING OFFICER. Who yields time?

Mr. ROBERT C. BYRD, Mr. President, does the Senator from Louisiana have any time remaining?

The PRESIDING OFFICER. The Senator from Louisiana has no time remaining.

Mr. CURTIS, Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Nebraska has 13 minutes.

Mr. CURTIS. Does anyone wish further time, on either side?

Mr. President, I yield back the remainder of my time.

## CLOTURE MOTION

The PRESIDING OFFICER (Mr. HASKELL). All remaining time for debate under the unanimous-consent agreement having been yielded back, pursuant to rule XXII, the Chair lays

before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

## CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the Committee substitute amendment to H.R. 17045.

Russell B. Long, Herman E. Talmadge, Hugh Scott, Abraham Ribicoff, Mike Gravel, Frank E. Moss, Walter F. Mondale, Lloyd Bentsen; Robert P. Griffin, Wallace F. Bennett, Carl T. Curtis, Paul J. Fannin, Clifford P. Hansen, Robert Dole, Bob Packwood, Claiborne Pell.

## CALL OF THE ROLL

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair now directs the clerk to call the roll to ascertain the presence of a quorum.

The second assistant legislative clerk called the roll, and the following Senators answered to their names:

[No. 558 Leg.]

Allen	Curtis	Long
Buckley	Ervin	McGee
Byrd	Fannin	Metcalf
Harry F., Jr.	Griffin	Pastore
Byrd, Robert C.	Hart	Ribicoff
Chiles	Haskell	

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD, Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk	Hansen	Packwood
Aiken	Hartke	Pearson
Baker	Hatfield	Pell
Bartlett	Helms	Percy
Bayh	Hollings	Proxmire
Beall	Hruska	Randolph
Bennett	Huddleston	Roth
Biden	Hughes	Schweiker
Brock	Humphrey	Scott, Hugh
Brooke	Inouye	Scott,
Burdick	Jackson	William L.
Cannon	Javits	Sparkman
Case	Johnston	Stafford
Church	Kennedy	Stennis
Clark	Magnuson	Stevens
Cook	Mathias	Stevenson
Cotton	McClellan	Symington
Cranston	McClure	Taft
Dole	McGovern	Talmadge
Domenici	McIntyre	Thurmond
Dominick	Metzenbaum	Tower
Eagleton	Mondale	Tunney
Eastland	Montoya	Weicker
Fong	Moss	Williams
Fulbright	Muskie	Young
Goldwater	Nelson	
Gurney	Nunn	

Mr. ROBERT C. BYRD, I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Nevada (Mr. BIBLE), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I also announce that the Senator from Maine (Mr. HATHAWAY) is absent because of a death in the family.

Mr. GRIFFIN, I announce that the

Senator from Oklahoma (Mr. BELLMON) is necessarily absent.

The PRESIDING OFFICER. A quorum is present.

## VOTE

The PRESIDING OFFICER. The Senate will be in order.

The question is, Is it the sense of the Senate that debate on the committee substitute amendment to H.R. 17045, the Social Services Amendments of 1974, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

Mr. ROBERT C. BYRD, Mr. President, let us have order before the clerk calls the roll.

The PRESIDING OFFICER. The clerk will suspend and Senators will please take their seats.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD, Mr. President, we cannot hear our names.

The PRESIDING OFFICER. The Senate will be in order. The clerk will suspend.

The clerk will call the roll.

The legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD, I announce that the Senator from Nevada (Mr. BIBLE), the Senator from Texas (Mr. BENTSEN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Michigan (Mr. HART) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I also announce that the Senator from Maine (Mr. HATHAWAY) is absent because of a death in the family.

I further announce that, if present and voting, the Senator from Maine (Mr. HATHAWAY) and the Senator from Michigan (Mr. HART) would each vote "yea."

Mr. GRIFFIN, I announce that the Senator from Oklahoma (Mr. BELLMON) is necessarily absent.

The yeas and nays resulted—yeas 70, nays 23, as follows:

[No. 559 Leg.]

YEAS—70

Abourezk	Hatfield	Packwood
Aiken	Hollings	Pastore
Baker	Huddleston	Pearson
Bayh	Hughes	Pell
Beall	Humphrey	Percy
Biden	Inouye	Randolph
Brock	Jackson	Ribicoff
Brooke	Javits	Roth
Burdick	Johnston	Schweiker
Byrd, Robert C.	Kennedy	Scott, Hugh
Case	Long	Sparkman
Clark	Magnuson	Stafford
Cook	Mathias	Stevens
Cranston	McGee	Stevenson
Curtis	McGovern	Symington
Dole	McIntyre	Taft
Domenici	Metcalf	Talmadge
Eagleton	Metzenbaum	Tower
Fannin	Mondale	Tunney
Fong	Montoya	Weicker
Griffin	Moss	Williams
Hansen	Muskie	Young
Hartke	Nelson	
Haskell	Nunn	

NAYS—23

Allen	Buckley	Cannon
Bartlett	Byrd,	Chiles
Bennett	Harry F., Jr.	Church

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As educator, author, Congressman, Senator, and statesman in the true sense of the term, J. WILLIAM FULBRIGHT has performed brilliantly on behalf of his country. I will miss his daily presence among us, and the wise and patient counsel which he always gave of so generously. Yet I know that we can continue to count upon him to observe and discuss the whole spectrum of public events, and that his role as educator-statesman will not be ending as his Senate career closes.

To my good friend, may I wish many happy and productive years ahead. The Republic is much in your debt. And your countrymen will long honor the splendid service you have performed as a Representative of the people of this great land.

Mr. McGOVERN. Mr. President, Senator FULBRIGHT's years as chairman of the Senate Foreign Relations Committee will stand in history as an era of unexcelled statesmanship and patriotism.

He has challenged most forcefully the dangerous thesis that the role of Congress is only to ratify without question what the Executive does in foreign affairs. And we see the fruits of that courageous effort today, in such far-reaching institutional changes as the War Powers Bill and reformed procedures on executive agreements. In many cases these reforms bear the names of others. But every one bears the imprint and fulfills the inspiration of BILL FULBRIGHT. For above all other considerations, including party, he has been faithful to the Constitution and to the true interests of the American people.

We should recall in particular today Senator FULBRIGHT's decisive role in reversing the worst foreign policy blunder in our history—the war in Vietnam.

In the middle 1960's, the incisive hearings of the Senate Committee on Foreign Relations were, without any question, the greatest single restraint upon disaster in Indochina. More than anything else, it was Senator FULBRIGHT's persistent interrogations that exposed the fallacy of our war policy, and that began the long process which ultimately turned that policy around. And I shall always believe that there are thousands of young Americans who are alive today, or who escaped shattering injury, because of the courage and determination of the gentleman from Arkansas.

I have had the privilege of serving under Chairman FULBRIGHT on the Foreign Relations Committee for but 2 years.

But for all the time I have been in the Congress I have increasingly admired this remarkable, unique man from Arkansas.

As he leaves the Senate now, he has my lasting appreciation for his insight and inspiration and my best wishes for a happy, satisfying future for him and for his lovely wife Betty.

Mr. KENNEDY. Mr. President, I want to join my colleagues in the Senate in paying tribute to Senator JOHN WILLIAM FULBRIGHT of Arkansas. It would be impossible to do justice to our friend and colleague in a few words. For three decades, he has been a giant on the national and international scene. Only a small handful of Senators in our history have

even begun to rival his stature in foreign affairs and his impact on the conduct of U.S. foreign relations.

Under Senator FULBRIGHT's leadership, the Senate Foreign Relations Committee has gone on to new strengths, while his personal contribution both within and without the committee has been immeasurable.

From the Fulbright scholarship program to his unflagging courage and insight during the national trial of Vietnam, to divining a new course for America in the post-Vietnam era, Senator FULBRIGHT has set the highest standards for wisdom, statesmanship, and leadership.

BILL FULBRIGHT is a son of the Senate, but he has walked a world stage, as well. He is as well known and respected in the far corners of the Earth as he is here in this Chamber. One cannot travel anywhere without hearing him spoken of as the personification of what is best in America and best in our foreign policy. Our loss in the Senate is a loss, therefore, for the world.

Yet, even as Senator FULBRIGHT leaves the Senate, his work is not done. Whatever he does, he will continue to leave his mark on U.S. foreign policy, and continue to provide invaluable service to this Nation and the world.

Mr. President, on a more personal note, I want to thank BILL FULBRIGHT for all that he has done for me and the other younger Members of the Senate. For the past 12 years, I have always known that I could turn to him for wise counsel, friendship, and support. He has never failed to respond with generosity of his time, talents, and compassion.

I feel deep warmth and affection for BILL FULBRIGHT, treasure my associations with him, and look forward to many more years of continuing friendship. We will all miss him, and the Chamber will seem empty when he has left it.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. FULBRIGHT. I could not possibly express adequately my appreciation to my colleagues for what they have said, Mr. President.

One of the rewards of retiring from this body is to feel that you have the respect of so many of these very able gentlemen from all parts of this great country.

Earlier today, not anticipating quite this development, I made this statement with regard to my experience here in the Senate. I will not repeat that, other than to say it has been a tremendous experience, and I have enjoyed it. It has been a unique one from my point of view, and wholly unexpected since I had started out in the academic field.

In any case, today has been a very satisfying and fitting last day—I presume it will be our last day—of 30 years in this body.

It is a great body, and I leave with every confidence that in the great problems that are confronting it, both domestic and foreign, a way will be found.

I appreciate all that has been said by the Senators from South Dakota, Florida, Maine, Pennsylvania, Mississippi,

Iowa and, of course, my senior colleague with whom I have worked during these 30 years.

Senator McCLELLAN, of course, as we know, is a great tower of strength and a leader of this Senate. It has been a tremendous privilege and pleasure to work with him in the many areas which are of great interest primarily to Arkansas, but also to every State in the Union. He has made a great contribution and, of course, is making a great contribution as chairman of the Committee on Appropriations.

I only end by saying I deeply appreciate the thoughtfulness of all my colleagues who have so eloquently expressed themselves here today.

## COPYRIGHT IN SOUND RECORDINGS

Mr. McCLELLAN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3976.

The PRESIDING OFFICER (Mr. HASKELL) laid before the Senate the amendments of the House of Representatives to the bill (S. 3976) to amend title 17 of the United States Code to remove the expiration date for a limited copyright in sound recordings, to increase the criminal penalties for piracy and counterfeiting of sound recordings, to extend the duration of copyright protection in certain cases, to establish a National Commission on New Technological Uses of Copyrighted Works, and for other purposes as follows:

Page 2, line 12, strike out "three years," and insert "one year."

Page 2, line 14, strike out "seven," and insert: "two".

Page 2, line 19, strike out "three years," and insert: "one year."

Page 2, line 21, strike out "seven," and insert: "two".

Page 4, line 18, strike out "generally," and insert: "generally, with at least one member selected from among experts in consumer protection affairs;"

Page 6, line 8, after "title", insert: "until June 30, 1976".

Mr. McCLELLAN. Mr. President, on September 9 the Senate passed the long delayed bill for the general revision of the copyright law. It was then anticipated that adequate time did not remain in this Congress for the House of Representatives to act on that legislation. Consequently, on the same day the Senate also passed S. 3976, which contains certain copyright provisions which require action this year.

The House of Representatives today passed S. 3976 with minor amendments. Two amendments relate to the criminal penalties for the pirating of records and tapes. The Senate language, which was supported by the Department of Justice, provides for imprisonment of up to 3 years for a first offense and up to 7 years for a subsequent offense. The House amendments reduce these terms to 1 year and 2 years respectively.

S. 3976 establishes a National Commission on New Technological Uses of Copyrighted Works to study certain copyright issues which are not resolved in the



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general revision legislation. Two House amendments pertain to the Commission. One would limit to June 30, 1976, the authorization to appropriate funds for the operation of the Commission.

The other House amendment concerns the selection of the four public members of the Commission. The only requirement in the Senate bill is that they be "non-governmental." I had included that qualification in my bill solely to preclude the appointment of official representatives of Government agencies. The House amendment specifies that at least one of the public members shall be selected "from among experts in consumer protection affairs." All members of the public are consumers of copyrighted materials. None of the major consumer organizations have been active in the technical areas to be studied by the Commission. Consequently, I do not interpret the House amendment as requiring the President to necessarily select an individual who is associated with any organized association of consumers.

Mr. President, with the approval of the minority, I move that the Senate agree to the House amendments to S. 1728.

The motion was agreed to.

## WAR CLAIMS ACT—CONFERENCE REPORT

Mr. BURDICK. Mr. President, I submit a report of the committee of conference on S. 1728, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. HASKELL). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of December 17, 1974, at p. H12151.)

Mr. BURDICK. Mr. President, I ask unanimous consent that two of my staff members William P. Westphal and Brian Southwell have the privilege of the floor during the consideration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURDICK. Mr. President, the conference report on this bill reflects the fact that the conferees reached agreement on a compromise proposal for distribution of the funds remaining for distribution or to be liquidated for future distribution under the War Claims Act of 1948.

I might say at this time that the House has adopted the conference report.

When S. 1728 first passed the Senate on October 8, 1973, it provided simply for an increase from \$60 to \$150 per

month in the benefits paid to civilians who were interned during our recent experiences in Southeast Asia.

The bill was amended by the House to provide for certain new priorities in payment of the remaining unpaid claims by individuals and corporations for property lost in World War II.

The War Claims Act was intended to provide some measure of relief to U.S. citizens and U.S. corporations who suffered injury, death, or property loss as a result of the hostilities with Japan and Germany. They were to be paid as a matter of grace from the moneys received from the sale of enemy assets.

Because the claimants had no vested rights in the fund and because full payment of all claims was unlikely, Congress authorized payment through a system of priorities based on equity.

Personal injury and death claims were given first priority, with claims of small businesses, and those of \$10,000 or less also paid in full. This was authorized in 1962. In 1970 further amendments gave full satisfaction of claims by religious, charitable, and similar nonprofit organizations, and authorized additional payments not to exceed \$35,000 of which \$11,000 has been paid to date. All claims not yet fully satisfied were to be taken from the balance on a pro rata basis; 6,662 claims have been fully satisfied of approximately 7,000 total claims. The total expenditure to date is approximately \$350 million. The remaining 161 corporate and 187 individual claims represent the largest of the nonpriority awards.

The payments which have been made to date can best be summarized as follows:

Thirty-four death and personal injury awards paid in full totaling \$510,035; 251 small business awards paid in full totaling \$12,026,093; 5,635 awards of \$10,000 or less paid in full totaling \$13,059,352; 33 religious, charitable, and nonprofit awards paid in full totaling \$24,189,313; 886 individuals have received payment of \$35,276,571 leaving 187 individuals with a remaining unpaid claim balance of \$6,578,916; 199 corporations have received payment of \$249,441,491 leaving 161 corporations with a remaining unpaid claim balance of \$94,700,830.

There are now \$5 million in the fund available for distribution and there may be additional funds up to \$15 million available for later distribution.

The amendment made by the House proposed a payment priority which would satisfy all individual claims up to \$500,000 and pay up to \$50,000 on each corporate claim with the balance of any funds remaining after these priority awards to be divided prorata by the corporations.

The Senate Judiciary Committee held a day of hearings on December 3, 1974, at which all interested parties were heard. After consideration by the Judiciary Committee the Senate disagreed to the House amendments and the bill went into conference committee.

The comparative difference between the present law, the House amendment and the Senate compromise—which was accepted by the House—is explained in

the papers which have been placed on the desk of each Member.

The central argument, I presume, will be whether or not some preference in favor of individuals should be given instead of a general pro rata. The differences are found in the schedule placed on the desk of each Senator.

In the left-hand column will be found what is known as present law, where the \$5 million which is on hand today is divided equally among corporations and individuals. The House bill, which the Senate Committee on the Judiciary turned down, would not have included the corporations in that distribution. The compromise reached by the conference committee retained that section of the present law. The difference comes in thereafter.

The individuals would receive up to \$250,000 of their claim; and from that point on, all moneys would be paid on a pro rata basis, whether they are individuals or corporations.

When we consider the amount to be paid out, let us say, for final distribution, we find that under the present law, 15½ percent, or 15½ cents of every dollar, will be paid to the various claimants after the payment of the \$5 million.

Under the House bill, the rate of distribution would be 9½ cents out of every dollar. Under the compromise position, which takes a position more or less midway between the two, we find that, under the compromise position, adopted by the House in the conference report, the remaining balance of pro rata distribution would be on the basis of 12¼ cents of every dollar.

It can be seen that the conference committee struck a ground more or less between the present law and the House amendments.

Why do we have a tilt toward the individuals in this distribution? These are the reasons:

First. Individual awards are based on the loss of homes, personal belongings and family businesses. In most cases, the individuals lost all they had. The corporate awardholders are almost exclusively large multinational corporations that lost only a small fraction of their total assets. The corporations suffered losses, but the individuals suffered disasters.

Second. About 77 of the corporate awardholders have taken more than \$35 million in tax deductions as a result of their losses and have had the use of the money they saved for over 30 years. We were advised at the hearing that no individual awardholders took tax deductions.

Third. While it is true that under the law, if a corporation took a tax loss it had deducted from its award an amount equal to the tax benefit it received, it should also be noted that under section 2017(e) (b) of title 50 appendix, any payments received under the War Claims Act were declared exempt from Federal income taxation. No individual was granted an exemption from taxation and the staff of the Senate Committee on Finance prepared a memorandum for our hearings advising that under the Internal Revenue Code individuals who are fortunate



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enough to receive from the War Claims Fund an amount equal to 100 percent of the adjusted cost basis for such property may be subject to income tax either on a capital gain basis or as ordinary income.

Thus, some of the corporations who took a tax loss and who have or will receive 100 percent of their claim will be exempt from taxation.

Records of the War Claims Commission show that some corporations took tax losses as small as \$300 or \$400.

Fourth. Many of the individual awardholders are elderly persons. Many of them live on small, fixed incomes and receive little in the way of social security payments since their productive years were spent abroad. Their war claims awards represent a final financial stake to support them in their declining years. A few individuals earned some wealth by their efforts after World War II but in this regard it must be noted that under the compromise language, the six largest individual claims will not be paid in full but will be affected by the \$250,000 limitation.

Fifth. In order to receive an award, claimants had to provide documentary proof of their ownership of the property that had been lost. Many individuals lost their documents in the war. U.S. corporations, which maintained extensive records in this country, were able to document a much greater percentage of their losses and hence received awards to cover a larger portion of their losses.

Sixth. All individual awardholders are U.S. citizens. Many of the stockholders of the corporate awards are foreign nationals. The basic theory of the War Claims Act is to compensate U.S. citizens. The priority for individuals furthers that purpose.

Mr. President, I believe that this compromise should be accepted. There is, as I say, a small tilt toward the individuals, and I think it is adequately justified.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. TUNNEY. Mr. President, I compliment the distinguished Senator from North Dakota for the work he has done, with the distinguished Senator from Hawaii and the distinguished Senator from Indiana, as an ad hoc subcommittee of the Committee on the Judiciary, in working out a compromise proposal to the House bill on the War Claims Act which I think is most acceptable, or should be most acceptable, to the Senate.

It is clear that Congress has consistently interposed its judgment on priorities for payment of war claims. There is ample precedent that other than pro rata payments be made. Congress has already created priorities for death and personal injury claims, for charitable and nonprofit institutions, for small businesses, and awards up to \$10,000.

The past practice has been for Congress to adjust the payment scheme based upon equitable considerations. This is what is being proposed by the Senator from North Dakota in the legislation that was passed by the Senate Committee on the Judiciary a few days ago.

I personally feel that individuals are entitled to some priority consideration as related to the claims that they have and that corporations have for losses that occurred in the last war. This bill established such a priority through a four-level payment scheme. The first priority gives each individual claimant the amount of his claim, up to \$24,000.

On the other hand, it does seem clear that, where we have a claim up to \$24,000, corporations—and some of them are relatively small—are entitled to some consideration, too. The second priority gives corporations a priority distribution after individuals, up to \$24,000. Then the bill gives individuals a third priority claim, up to the amount of his award or \$250,000. Thereafter, all claims are distributed pro rata. We are trying to measure fairly what is justified in the way of a claimant's receiving adequate compensation for the losses that were incurred, and I think this procedure gives a fair adjustment of the equities.

I know that there are some who feel that individuals should not be entitled to any priority considerations. There are others who feel that corporations should not receive a nickel until the individuals have their claims paid off in toto.

I cannot help feeling that the problem resembles a Gordian knot, and that there is, in an absolute sense, no right or wrong. I think that the committee has worked out a scheme which, from my point of view, is eminently fair.

I compliment, again, the Senator from North Dakota on the presentation that he has made, and the Senator from Hawaii for coming forward with a proposal to our committee and to the Senate that attempts to sift through the various claims and counterclaims, and manages to bring out what I consider to be the most equitable response to a difficult problem. In the end, I feel the individuals are entitled to this limited priority because the nature of their losses was more severe than the losses of corporations. Individuals—all of them U.S. citizens of course—lost their homes, their personal belongings, their family businesses. Such losses are of a special nature, not like the loss of a large plant to some shareholders.

Second, corporations were able to tax a tax deduction for those losses many years ago, and are not liable for tax on any war claims awards they receive. Individuals do not receive such tax benefits.

One thing that it does seem to me is clear is that we need to pass this bill this afternoon. It is my hope that we will be able to do it without very much further argument. Therefore, I shall and listen to my own advice, and end my remarks.

Mr. FONG. Mr. President, this bill, when originally passed by the Senate, was a very simple bill. It took care of the American civilian internees in Southeast Asia. It raised the amount which is to be paid to them from \$60 to \$150 a month while they were interned. If we do not pass this bill, these internees will be getting only \$60 a month, instead of the comparable \$150 which is now being paid to military internees.

When this bill went to the House, the

House added to the Senate-passed bill an amendment which would have repealed a present provision of the War Claims Act to pay corporate and individual awardees the next installment on their claims.

Up to now, Mr. President, under the War Claims Act, death and personal injury claims have been paid in full. Small business awards have been paid in full. Awards under \$10,000 have been paid in full. Awards to religious and charitable organizations have been paid in full. Each awardee, whether corporate or individual, has been paid \$10,000, plus 61.3 percent of the award.

In 1970, we provided for an additional \$35,000 payment to each awardee. Of this \$35,000, \$11,000 has been paid. The House would have nullified the provision for the payment of the balance of \$24,000. This the ad hoc committee, with the endorsement of the Committee on the Judiciary in executive session, rejected.

The House accepted that decision. The corporations will receive the money they were to receive under present law. That is, they will receive the \$24,000 which the House, in their amendment, refused to give to corporations and which we have restored in this conference.

Then the House originally proposed paying all individuals in full. The ad hoc committee cut the \$500,000 limit provided in the House amendment, which actually would have paid all the individual applicants in full, by half. Instead of giving full priority to individuals who suffered a loss, we limited this payment up to \$250,000.

There will still be, I believe, six individuals who will not receive payment in full, but, rather, will share with corporations, pro rata, in the distribution of these war claim funds, as they become available.

We had good reason, in the circumstances presented to the ad hoc committee, to make this recommendation for a preference in treatment of the individuals involved here. Some of the reasons which compelled the ad hoc committee to act this way are as follows, Mr. President.

One, it was harder for individuals to prove their claims, as their records were largely destroyed in World War II. Thus, not all their claims were necessarily awarded them.

Second, for many individuals, the lost asset was frequently his only personal or business asset. They had family holdings for generations totally wiped out. The lost asset was only one asset of the corporate awardees—they did not lose all their capital.

Three, many corporate claimants, especially those whose claims are now under \$50,000, are insurance companies on a subrogated basis under war risk insurance. It is for the assumption of this very risk they were paid their premium. That was their business, to insure these assets.

Four, corporations were given and took tax losses in the 1940's. No individual took a tax loss for the lost asset. Corporations, when they took that tax loss, had the use of that money for the past 30-odd years. Not one individual has taken

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a tax loss and, therefore, had no use of that money for the past 30-odd years.

Five, by statute, corporations which took a tax loss were given an exemption for the amount of the awards, as received. No such exemption was given individuals. Hence, corporations had no capital gains tax, while individuals paid tax as the money was paid them.

Here, we gave preferential treatment to corporations as against individuals.

Six, some of the corporations which took no tax loss did so because—the asset lost had previously been fully depreciated; other tax deductions made this deduction unnecessary. For example, some of the companies' taxes were only 1 percent to 5 percent, so a tax loss was unnecessary for them.

Seven, furthermore, the present stockholders of corporations would benefit from these payments, not the stockholders of record at the time of loss. In the intervening years, from the dates of the losses in the 1940s, the corporate stockholders have changed. Many of the stockholders have sold out, and other, new stockholders have purchased the stock. So, the stockholders who bore the loss will not benefit by what has been paid to the corporations. Unless the stockholder of record at time of the loss still holds the stock, he sold it at a lower price because of the lost assets. The person now holding the stock paid less for it for this asset has long been written off the corporate books. A payment to these corporations now would be in the nature of a "windfall" to present stockholders.

This law, Mr. President, has been changed several times. This is not the only time it has been changed. In the several changes, privileges have been given to benefit particular groups as their needs were proved to Congress. In the conference report, the conferees made it clear that the amendments adopted were designed solely to provide an equitable solution under the particular facts now existing in connection with these claims arising out of World War II losses.

There is no precedent being set by this law. I repeat, we say that no precedent is being set by this action.

It is very late in the session. The House is adamant about its amendment. We were able to cut their amendment down to the point where we feel that it is a fair compromise.

If this conference report fails, we penalize the civilian internees, who will only get \$60 a month instead of the \$150 a month provided for herein.

So I urge the adoption of the conference report.

Mr. BAYH. Mr. President, the distinguished Senator from North Carolina asked to be notified. I suggest the absence of a quorum.

Mr. ROBERT C. BYRD. Mr. President, will the Senator withhold that for a moment?

Mr. BAYH. I am glad to withhold.

#### ORDER TO PRINT TRIBUTES TO DR. RIDDICK AS A SENATE DOCUMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the tributes

which will be made with respect to Dr. Riddick be collected and printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I yield the floor.

#### UNANIMOUS-CONSENT REQUEST

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators have 10 days to file individual tributes to retiring Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### QUORUM CALL

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BURDICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report.

Mr. BAYH. Mr. President—

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BAYH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### H.R. 16215—AMENDMENT TO THE COASTAL ZONE MANAGEMENT ACT OF 1972

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House on H.R. 16215.

The PRESIDING OFFICER laid before the Senate H.R. 16215, a bill to amend the Coastal Zone Management Act of 1972, to provide more flexibility in the allocation of administrative grants to coastal States, and for other purposes, which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

The bill was considered, ordered to a third reading, read the third time, and passed.

#### QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. CURTIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CURTIS. Mr. President, I yield to the distinguished Senator from Hawaii.

#### PRIVILEGE OF THE FLOOR

Mr. FONG. Mr. President, I ask unanimous consent that Mr. Robert Seto be allowed the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTES TO SENATOR PETER DOMINICK

Mr. CURTIS. Mr. President, I am at a loss for words when I express my disappointment that Senator PETER DOMINICK of Colorado will not be with us when the new Congress convenes next January. Senator DOMINICK is a most valuable Senator. I often referred to him as an ideal Senator.

Legislative tasks are like any other tasks. Success requires hard work. Senator DOMINICK worked hard and has the respect of all Senators. He possesses a keen mind and he knows what is going on in the field of legislation.

If Senator DOMINICK served on a committee, he mastered well the legislation that that committee would forward to the floor. Other Senators sought his opinion and advice. He was not a follower—he was a leader. Time and time again the Senate would be called upon to vote on a Dominick amendment. A Dominick amendment was always an amendment of substance and he backed it up with hard facts, clear logic, and a convincing argument.

PETER DOMINICK combines all of the qualities that a good legislator should have, such as honesty, respect, dedication, skill, background, knowledge, and a willingness to apply himself to the task at hand.

In these troubled times, the Senate of the United States has had to deal with many issues of grave concern to our country. These have involved issues of national defense, fiscal soundness, adherence to Constitutional principles and to our system of private enterprise. PETER DOMINICK could always be counted upon to be on the side of his country on these important and crucial issues.

Pressure groups, selfish interests, and self-aggrandizement never caused Senator PETER DOMINICK to deviate from his high principles. Senator DOMINICK was always attentive to debates. When he spoke, he spoke with authority because he was well prepared. His work has made a great contribution to all legislation, but particularly legislation dealing with education, labor and management matters and legislation relating to our national defense.

I sincerely hope that this distinguished Senator from my neighboring State of Colorado will continue in the public

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## ORDER OF BUSINESS

Mr. BURDICK. Mr. President, what is the present business?

The PRESIDING OFFICER. The conference report on S. 1728.

Mr. McCURE. Mr. President, I suggest the absence of a quorum.

Mr. BURDICK. Mr. President, may I raise a point of order? There is no intervening business.

The PRESIDING OFFICER. There has not been a live quorum since the last vote. There has been intervening business and the Senate just passed two bills.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. TALMADGE may proceed for not to exceed 2 minutes, to call up two measures.

The PRESIDING OFFICER. Without objection, it is so ordered.

## IMPROVEMENT IN QUALITY OF UNSHELLED AND SHELLED FILBERTS

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 2933, which was reported unanimously by the Committee on Agriculture and Forestry this morning, and which has been cleared with the acting majority leader and the acting minority leader.

The PRESIDING OFFICER. (Mr. CHILES). The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2933) to improve the quality of unshelled filberts and shelled filberts for marketing in the United States.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, this bill amends the Agricultural Marketing Agreement Act of 1937 to include filberts as one of the commodities which are subject to section 8(e) of that act. Section 8(e) provides that whatever grade, size, quality, or maturity regulations are in effect under a Federal marketing order for certain domestically produced commodities, the same or comparable requirements must be applied to imports of that commodity.

Mr. PACKWOOD. Mr. President, I strongly urge the Senate to approve H.R. 2933, which is intended to improve the quality of unshelled filberts and shelled filberts for marketing in the United States.

On May 18 of this year I introduced S. 3539, which is identical to H.R. 2933. It passed the House on December 16 and was unanimously approved by the Senate Agriculture Committee yesterday.

Mr. President, the filbert industry in this country is concentrated in the Northwest, with roughly 90 percent of the national filbert production coming from Oregon and the remainder from the State of Washington. Senators HATFIELD, MAGNUSON, and JACKSON join me in strongly supporting this legislation.

What H.R. 2933 does is quite simple. It would include filberts as one of the commodities protected under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended. Under the provisions of this section, grade and quality standards currently applied to domestic producers would be applied to imported filberts.

Mr. President, this legislation represents a sincere effort on the part of the filbert industry to upgrade the quality of its product. I commend the members of this industry for acting to assure that the quality of their product meets the highest standards. Without an amendment to section 8e of the Agricultural Adjustment Act, grading standards are only applied to filberts in the shell. It is the shelled filbert market that is subject to intense competition of ungraded, poor quality imports. The purpose of this legislation is to require the same standards of imported shelled nut meats as domestic producers have imposed upon themselves.

Mr. President, even though the State Department has indicated its disapproval of this legislation, they cannot deny the depressing effect which poorer quality imports have on the domestic market.

There is no need for further delay of this act of equity. It is time we recognize the plight of this small but important segment of our agriculture industry and give them an opportunity to compete in the market place on a fair and equitable basis.

I urge the adoption of H.R. 2933.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

## DIFFERENT MINIMUM GRADE STANDARDS FOR GRAPES AND PLUMS

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 13022, which was reported unanimously by the Committee on Agriculture and Forestry on yesterday.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 13022) to amend the Act of September 2, 1960, as amended, so as to authorize different minimum grade standards for packages of grapes and plums exported to different destinations.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. TALMADGE. Mr. President, this

bill would amend the act of September 2, 1960, which authorizes the Secretary of Agriculture to establish and enforce uniform grade standards for packages of grapes and plums exported from the United States.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

## WAR CLAIMS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia.

The PRESIDING OFFICER. The question is on agreeing to the conference report on S. 1728.

Mr. BAYH addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

## QUORUM CALL

Mr. BAYH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUDDLESTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. BURDICK. I object, Mr. President. The PRESIDING OFFICER. Objection is heard.

The assistant legislative clerk continued with the call of the roll, and the following Senators answered to their names:

Atken	Curtis	Moss
Bartlett	Dominick	Nelson
Bayh	Ervin	Pell
Biden	Fong	Sparkman
Buckley	Fulbright	Symington
Burdick	Griffin	Talmadge
Byrd, Robert C.	Huddleston	
Chiles	McCure	

The PRESIDING OFFICER. A quorum is not present.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After some delay, the following Senators entered the Chamber and answered to their names:

Abourezk	Fannin	Javits
Allen	Goldwater	Johnston
Beall	Gravel	Laxalt
Byrd,	Gurney	Long
Harry F., Jr.	Hansen	Mathias
Cannon	Hartke	McClellan
Case	Haskell	McGovern
Church	Hatfield	McIntyre
Clark	Hathaway	Metcalf
Cook	Helms	Metzenbaum
Cotton	Hollings	Mondale
Cranston	Hruska	Montoya
Dole	Hughes	Muskie
Domenici	Humphrey	Nunn
Eagleton	Inouye	Packwood



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Pastore	Scott, Hugh	Taft
Pearson	Scott,	Thurmond
Proxmire	William L.	Tower
Randolph	Stafford	Tunney
Ribicoff	Stennis	Welcker
Roth	Stevens	Williams
Schweiker	Stevenson	Young

The PRESIDING OFFICER. A quorum present.

### WAR CLAIMS ACT—CONFERENCE REPORT

The Senate continued with the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia.

The PRESIDING OFFICER. The question recurs on agreeing to the conference report on S. 1728.

Mr. ERVIN. Mr. President, this conference report should be rejected. We have these war claims. There is a limit to the amount of assets. The conference report, in effect, would have Congress bless with its approval a most discriminatory division of the assets that are available to the creditors. The conference report, in effect, says that all the corporate creditors will be excluded, or at least that all of the individual creditors will be given priority.

Corporations are owned in equity by individuals, and those individuals who are entitled to share in the corporate assets are just as much entitled to have their corporate claims paid as the individuals who have individual claims. Some of the individual claims are among the largest claims, which would swallow up a large part of the assets.

I have always heard that equality is equity. The assets that are available for the payment of all creditors ought not to be diverted to the payment of only a few of the creditors.

So, at the proper time, I intend to move that the conference report be laid on the table. I do not wish to cut off debate.

Mr. BURDICK. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. BURDICK. Is the Senator aware that this is a War Claims Act of 1948, and that both in 1962 and in 1970 we have adjusted, and again today we are adjusting, the priorities between the various people? Does the Senator realize that all the nonproperty claims have been paid, that is, all the personal injury claims have been paid for individuals, and that on the property damage claims everyone has been paid \$10,000, that everyone has been paid 61.3 percent, and that the 1970 law provides for the payment of \$35,000, of which \$11,000 has already been paid?

Mr. ERVIN. Yes, but this would pay certain creditors to the exclusion of others.

Mr. BURDICK. Is the Senator aware that certain tax benefits that inure to the corporations do not inure to individuals?

Mr. ERVIN. I am not aware that any corporation has tax benefits that are not available to individuals standing in the same position.

Mr. BURDICK. I will read the identification of the section. It is section 2017 (e) (b) of title 50 appendix.

Mr. ERVIN. Well, Mr. President, the fact that people have sinned in times past, and the fact that a legislative body may have sinned in times past, does not justify a continuation of the sinning. If we have sinned in times past, it is all the more reason why we ought to get righteous today.

Unless somebody else wants to speak, I move that this conference report be laid on the table, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay the conference report on the table.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senate will come to order. Can we have quiet in the Senate. The Senate will please come to order. The clerk will withhold calling the roll until the Senate comes to order.

May we have order in the Senate so that we can resume the call of the roll. May we have order in the back of the Senate so we can resume the calling of the roll.

The clerk will resume.

The assistant legislative clerk resumed and concluded the call of the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Michigan (Mr. HART), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), and the Senator from Wyoming (Mr. MCGEE) are necessarily absent.

I further announce that the Senator from Montana (Mr. MANSFIELD) is absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "yea."

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Washington (Mr. JACKSON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Utah (Mr. BENNETT), the Senator from Tennessee (Mr. BROCK), the Senator from Massachusetts (Mr. BROOKE), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

The result was announced — yeas 50, nays 35, as follows:

[No. 577 Leg.]

YEAS—50

Allen	Byrd	Curtis
Burke	Harry F. Jr.	Dole
Byrd	Cannon	Domenici
Case	Chiles	Dominick
Biden	Chiles	Ervin
Brock	Church	Franklin

Goldwater
Gravel
Griffin
Hansen
Hartke
Hastell
Hatfield
Hathaway
Helms
Hollings
Huddleston
Johnston

Laxalt
Long
McClellan
McClure
Montoya
Nunn
Packwood
Pearson
Proxmire
Randolph
Ribicoff
Roth

Scott, William L.
Sparkman
Stennis
Stevens
Symington
Talmadge
Tower
Welcker
Williams

NAYS—35

Abourezk
Alben
Burdick
Byrd, Robert C.
Clark
Cook
Cotton
Cranston
Eagleton
Fong
Gurney
Hruska

Hughes
Jumpsey
Moore
Javits
Mathias
McGovern
McIntyre
Metcalfe
Metzenbaum
Mondale
Moss
Muskie

Nelson
Pastore
Pell
Schweiker
Scott, Hugh
Stafford
Stevenson
Taft
Thurmond
Tunney
Young

NOT VOTING—15

Baker
Bellmon
Bennett
Bentsen
Brock

Brooke
Eastland
Fulbright
Hart
Jackson

Kennedy
Magnuson
Mansfield
McGee
Percy

So Mr. ERVIN's motion to lay on the table was agreed to.

The PRESIDING OFFICER. What is the will of the Senate?

May we have order in the Senate, please?

The Senate will come to order.

### ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. NELSON may be recognized to call up a conference report on H.R. 14449 and that there be a time limitation on the discussion of that conference report of 10 minutes equally divided between Mr. NELSON and Mr. JAVITS.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMUNITY SERVICES—CONFERENCE REPORT

Mr. NELSON. Mr. President, I submit a report of the committee of conference on H.R. 14449, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. CHILES). The report will be stated by title.

The assistant legislative clerk read as follows:

The committee of conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14449) to provide for the mobilization of community development and assistance services and to establish a Community Action Administration in the Department of Health, Education, and Welfare to administer such programs, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Is there objection to the consideration of the conference report?

There being no objection, the Senate proceeded to consider the report.

(The conference report is printed in the House proceedings of the CONGRESSIONAL RECORD of today.)

Mr. NELSON. Mr. President, I ask



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sions, which may come into play in appropriate cases of rule violations, as well as in other clearly defined circumstances. The consumer redress provision, as a whole, is a significant advance in consumer protection, for it, together with the carefully drafted class action provisions in title I, should provide an answer to the multifaceted and perennial problem of class actions. In part because of my objections, a similar consumer redress provision was defeated on the floor of the House. I was initially opposed to the addition of such a provision in conference because it was being added without an opportunity for hearings to permit the public to be heard and without full recognition of what we were doing to clearly spell out the authority of the FTC to seek consumer redress. However, I acceded to the provision finally adopted because it seeks to provide protections against unfairness and is aimed at making whole those consumers who actually show injury from a rule violation or knowingly dishonest and fraudulent practices.

**CIVIL PENALTIES**

One aspect of the civil penalties provision deserves comment because the idea involved is a relatively new one. The penalty provisions permit the FTC, after it has obtained a cease-and-desist order, to go into court to obtain civil penalties for the conduct subject to the order if it was engaged in with actual knowledge that the conduct was unfair or deceptive and in violation of section 5. Sometimes, in dealing with a joint scheme, the Commission will proceed against only some of the persons involved in the joint action. We have added a new provision which will now enable the FTC to seek civil penalties in court against the other persons involved in the scheme but not technically parties to the initial FTC proceeding and thus not technically subject to the cease-and-desist order. I might add, of course, that these persons will be entitled to their day in court before being assessed with penalties, and for that reason are granted a *de novo* trial on all factual issues in the penalty action.

**SELF REPRESENTATION IN THE COURTS**

The conference report contains one provision that gives me a good deal of concern. That provision is the one that grants to the Federal Trade Commission the authority to represent itself through its own attorneys in the Supreme Court under certain circumstances. This provision was added to the conference report despite great expressions of concern from the chief legal officers of the United States, the Attorney General, former Solicitor General Erwin Griswold, and all nine justices of the Supreme Court. What other expertise could we possibly draw from? I would like to caution my colleagues that if we allow this type erosion of the Solicitor General's authority to continue, we will fragment what has traditionally been a central authority designed to coordinate a uniform position for Federal Government litigation.

**CONCLUSION**

All in all, I believe the bill represents a reasonable compromise between the Senate and House versions and a respon-

sible piece of legislation. It completes the FTC reform begun with the amendments to the Alaska pipeline bill, and these two bills together constitute an important new consumer protection measure for which we should all feel proud.

Mr. MOSS. Mr. Speaker, I yield to the gentleman from Texas (Mr. ECKHARDT) such time as he may consume.

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Speaker, as the gentleman from North Carolina (Mr. BROYHILL) has just indicated, we are establishing a new category somewhere between the adjudicatory and the rule-making process of the present Administrative Procedures Act, and I think it is very important that we clearly understand exactly what we are doing.

There is a provision on page 33 of the report which states that—

If the Commission determines (1) that there are disputed issues of material fact, and (2) that it is necessary to resolve such issues, interested persons would be entitled to present such rebuttal submissions and to conduct (or have conducted by the Commission) such cross-examination of persons commenting orally as the Commission determines to be appropriate and required for a full and true disclosure with respect to such issues. The only disputed issues of material fact to be determined for resolution by the Commission are those issues characterized as issues of specific fact in contrast to legislative fact.

I point out the word "orally," and I wish to find out if the gentleman from California (Mr. Moss) feels that that language is exclusive, or merely descriptive of the section dealing with oral presentation.

Mr. MOSS. It is the intent and the understanding of the gentleman from California that the words "commenting orally" were intended to be descriptive, and not limiting. In other words, the Commission could authorize cross-examination of written submissions if it determined that it was appropriate.

Mr. ECKHARDT. For instance, if the Commission should rely, in making a rule on a written report of one of its agents and cross-examination of that agent is necessary for fair determination of the rulemaking procedure taken as a whole, the Commission should make that agent available for cross-examination. Am I correct in that?

Mr. MOSS. The gentleman is indeed correct.

Mr. BROYHILL of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. MOSS. I yield to the gentleman from North Carolina.

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

I concur in the gentleman's interpretation.

Mr. ECKHARDT. Each of us was on the conference committee, and I understand that to be in accord both with the language and with the discussions there; is that not correct?

Mr. BROYHILL of North Carolina. That is correct.

Mr. ECKHARDT. I thank the gentleman.

Mr. MOSS. Do any other members of

the committee at this time seek recognition?

Mr. Speaker, I move the previous question on the conference report.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the conference report was agreed to.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES ON HOUSE JOINT RESOLUTION 1180, SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR ENDING JUNE 30, 1975

Mr. MAHON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the House joint resolution (H.J. Res. 1180) making urgent supplemental appropriations for the fiscal year ending June 30, 1975, and for other purposes, with Senate amendments thereto, disagrees to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas? The Chair hears none and appoints the following conferees: MESSRS. MAHON, WHITTEN, BOLAND, FLOOD, SLACK, CEDERBERG, MICHEL, and WYATT.

#### FURTHER LEGISLATIVE PROGRAM

Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I would like to make the following announcement.

We had scheduled for today the chrome bill next. By mutual agreement of both sides on this issue, it will be eliminated from the schedule, and it will not be brought up for the remainder of the session. It will be scheduled sometime early in the 94th Congress.

#### AUTHORIZING A TECHNICAL CORRECTION IN THE ENROLLMENT OF S. 356

Mr. MOSS. Mr. Speaker, I call up the Senate concurrent resolution (S. Con. Res. 126) authorizing a technical correction in the enrollment of S. 356, and ask unanimous consent for its immediate consideration.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 126

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is authorized and directed, in the enrollment of S. 356, An Act to provide disclosure standards for written consumer product warranties against defect or malfunction; to define Federal content standards for such warranties; to amend the Federal Trade Commission Act in order to improve its consumer protection activities, and for other purposes, to make the following technical correction:

Section 18(e) (3) (A), as inserted by sec-

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tion 202(a) of the Conference Report on such bill, is amended to read as follows:

"(A) the court finds that the Commission's action is not supported by substantial evidence in the rulemaking record (as defined in paragraph (1) (B) of this subsection) taken as a whole, or".

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOSS. Mr. Speaker, I indicated at the time of my statement on the conference report that I intended to offer this essential resolution in order to clarify an understanding of the conferees. We feel that the standard of review could be better expressed as follows:

The court shall hold unlawful and set aside the rule on certain grounds specified in the Administrative Procedures Act or

And now I quote from the resolution—if—

the court finds that the Commission's action is not supported by substantial evidence in the rule-making record (as defined in paragraph (1) (B) of this subsection) taken as a whole, or.

This, Mr. Speaker, is strictly to clarify and make very clear the intent of the conferees and to do it through the concurrent resolution so that there will be no possibility of error.

Mr. Speaker, I yield to the gentleman from North Carolina, Mr. BROYHILL.

Mr. BROYHILL of North Carolina. I thank the gentleman for yielding.

Mr. Speaker, it is necessary to clarify the language in the conference report, not because of any disagreement among the conferees but because of some legal interpretation of the language which was included in the conference report. We want to make crystal clear that any rules that are issued by the commission must be based upon the substantial evidence that is developed in the consideration of the rule. That is the purpose of the amendment—to clarify the provision in the Judicial Review section.

Mr. MOSS. I thank the gentleman.

Mr. Speaker, I urge adoption of the concurrent resolution.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. MOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the Senate concurrent resolution just concurred in.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

## WAR CLAIMS ACT AMENDMENTS

Mr. ECKHARDT. Mr. Speaker, I call up the conference report on the Senate bill (S. 1728) to increase benefits provided to American civilian internees in Southeast Asia, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

Mr. ASHBROOK. Mr. Speaker, reserving the right to object, is there a printed report?

Mr. ECKHARDT. There is.

Mr. ASHBROOK. Mr. Speaker, further reserving the right to object I take this time to ask if there is anything in the conference report that is not germane.

Mr. ECKHARDT. No, there is not.

Mr. ASHBROOK. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of December 17, 1974.)

Mr. ECKHARDT. Mr. Speaker, on August 12, 1974 the House passed amendments to the War Claims Act of 1948 to increase benefits provided to American civilian internees in Southeast Asia and for other purposes. The House language differed from the Senate and a conference was needed. The conference report has been filed and it is a good report. It reflects the give and take that one expects in a conference between two bodies.

I will summarize briefly the recommended solution. First, both the Senate bill and the House amendment increased the authorized detention benefits for American civilians during the Vietnam conflict from \$60 per month to \$150 per month in order to raise the benefits for civilians to the same level presently authorized for military personnel. The conference substitute retains this provision.

Second, the House amendment would have eliminated the priority in existing law for all unpaid award holders, both individual and corporate, up to \$35,000. The conference substitute retains this priority under which \$11,000 has already been paid to each award holder. Therefore, \$24,000 or the unpaid balance of each remaining award, whichever is less, will be paid under this priority.

Since each corporate award holder will receive up to \$24,000 under this provision, the language in the House amendment providing an additional priority for payments to corporate award holders up to \$50,000 was omitted from the conference substitute.

Third, the House amendment would have created a priority for all individual awards up to \$500,000. The conference substitute creates a priority for individual awards up to \$250,000. The conferees agreed that the equitable considerations favoring a priority for the payment of remaining individual awards would be adequately recognized by the priority adopted in the conference substitute. The balance of amounts in the war claims fund will then be used to make pro rata payments on the remaining individual and corporate awards.

While this legislation was pending in the House, the Department of Justice was

requested to refrain from certifying funds for distribution to the war claims fund until this Congress completed action on S. 1728. The Department agreed to this request. It is my understanding that certain funds are now ready to be certified by the Department of Justice for distribution to the war claims fund, and it is also my hope that this transfer and any future transfers will be accomplished as soon as possible upon enactment of this legislation.

Mr. Speaker, the conference report reflects a reasonable resolution of the differences in the Senate and House measures. It will provide an equitable solution for the payment of the remaining awards from the war claims fund. I urge its adoption.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BROYHILL).

Mr. BROYHILL of North Carolina. Mr. Speaker, I thank the gentleman for yielding.

I rise in support of the conference report.

Members will recall when the bill was before the House, the issue was, are we going to give priority to individual claimants to the war claims funds and, if so, how much that priority would be in terms of dollars?

The conference report says we are giving priority to claims of individual persons up to \$250,000 and then those other claimants, including corporations, would share on a pro rata basis in the balance of the fund.

I think it is a good compromise. It is, in my opinion, a better bill than when it left the House. Although I do still disagree with the principle of giving individuals this preference, as we have done here, at least we have a better bill than when it left the House.

Mr. YOUNG of Illinois. Mr. Speaker, will the gentleman yield?

Mr. ECKHARDT. I yield to the gentleman from Illinois.

(Mr. YOUNG of Illinois asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Illinois. Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from North Carolina (Mr. BROYHILL).

[Mr. YOUNG of Illinois addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. ECKHARDT. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to. A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. ECKHARDT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the conference report on S. 1782, just agreed to.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

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<b>Remarks:</b>  <p>Attached is a copy of the committee report on S. 1728, in which you expressed an interest. This clears it for floor vote.</p> <p>[REDACTED]</p> <p>Assistant Legislative Counsel</p> <p>cc: DDM&amp;S</p>					
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